

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:30 a.m. June 24, 2008

City Council Chambers
455 North Main

OPENING OF REGULAR MEETING

- Call to Order
 - Approve the minutes of the regular meeting on June 17, 2008
-

COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

1. *ZON2008-00023-City zone change from SF-5 Single-family Residential (SF-5) to GC General Commercial (GC), generally located at the termination of Gilda Street 1/2 mile south of Central and west of I-235.
(District V)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC, approve the zone change and place the ordinance establishing the zone change on first reading; OR 2) Return the application to the MAPC for reconsideration.

2. *SUB 2005-102-Plat of Holland Commercial Addition located on the northwest corner of Kellogg and Tyler Road. (District V)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures, adopt the Resolutions, and approve first reading of the Ordinance.

3. *SUB 2008-18-Plat of Shaw Addition located on the north side of Central and east of Hoover Road.
(District VI)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures, and approve first reading of the ordinance.

4. *VAC2008-00013 - Request to vacate portions of a platted easement and portions of an easement dedicated by separate instrument; generally located between 135th and 151st Streets West, north of Kellogg Street.
(District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

* Consent Items

Allan Murdock, Housing Member is also seated with the City Council.

None

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

*Consent items

None

COUNCIL AGENDA

COUNCIL MEMBER AGENDA

None

5. **COUNCIL MEMBER APPOINTMENTS**

RECOMMENDED ACTION: Approve the Appointments

CONSENT AGENDA

6. Report of Board of Bids and Contracts dated June 23, 2008.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

7. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Mark Branham	Quik Trip #313	3164 South Hillside
Mark Branham	Quik Trip #320	1021 West 31st Street
Mark Branham	Quik Trip #321	6011 West Central
Mark Branham	Quik Trip #325	1414 North Oliver
Mark Branham	Quik Trip #326	2010 South Broadway
Mark Branham	Quik Trip #328	2801 South Hydraulic
Mark Branham	Quik Trip #329	5602 East Harry
Mark Branham	Quik Trip #343	242 South Tyler
Mark Branham	Quik Trip #345	4020 S Meridian
Mark Branham	Quik Trip #347	1532 South Seneca
Mark Branham	Quik Trip #349	1112 West Douglas
Mark Branham	Quik Trip #353	110 South Rock Road
Mark Branham	Quik Trip #356	4808 South Hydraulic
Mark Branham	Quik Trip #358	7120 West 21st Street North
Mark Branham	Quik Trip #360	3933 West 13th Street
Mark Branham	Quik Trip #366	1620 South Webb Road
Mark Branham	Quik Trip #368	626 West 21st Street North
Mark Branham	Quik Trip #369	3216 East Harry
Mark Branham	Quik Trip #372	3126 East Pawnee
Mark Branham	Quik Trip #373	1620 East Lincoln
Mark Branham	Quik Trip #374	10315 West 13th
Mark Branham	Quik Trip #376	2106 South Rock Road
Mark Branham	Quik Trip #378	5611 South Broadway
Mark Branham	Quik Trip #383	11223 East Central
Mark Branham	Quik Trip #384	2510 West Pawnee
Mark Branham	Quik Trip #386	1010 East Douglas Ave
Mark Branham	Quik Trip #388	7991 East 37th North
Mark Branham	Quik Trip #389	4730 East Central
Mark Branham	Quik Trip #391	730 North Broadway
Loretta Tuckwood	Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #3283 10600 West 21st Street	

(Item 7 continued)

<u>New</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Alan L. Leffew	Bubba's Nekked BBQ*	2428 West 13th Street North

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

8. Preliminary Estimates:

- a. 2008 Sanitary Sewer Reconstruction Phase 6 (various locations) (468-84521/620511/ 668630) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III) - \$210,000.00
- b. 2008 Sanitary Sewer Rehabilitation Service Connections Cured-in-Place T-Liner (three locations south of Central, west of Greenwich) (468-84525/620512/668631) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,IV) - \$140,000.00
- c. 2008 Contract Maintenance Bikepath Asphalt Repair & Overlay (south of 2nd Street North, west of Hillside) (472-84733/132721/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,III,IV) - \$100,000.00
- d. Lateral 14, Main 15, Sanitary Sewer #23 to serve The Moorings 10th Addition (south of 53rd Street North, west of Meridian) (468-84467/744276/480965) Does not affect existing traffic. (District VI) - \$603,000.00
- e. Hollywood, from the west line of Lot 18, Block C, west and north to the south line of Block D; 35th Street South, from the west line of Hollywood, west to the west line of the plat; Shefford, from the north line of Hollywood, north to the north line of the plat; Hollywood Court, from the north line of Hollywood, north to and including the cul-de-sac to serve Lots 49 through 63, Block A; Hollywood Court from the north line of Hollywood, north to and including the cul-de-sac to serve Lots 34 through 48, Block A; Sidewalk to be constructed on one side of Hollywood, Shefford, and 35th Street South to serve Harvest Ridge Addition (west of Maize, south of 31st Street South) (472-83806/766215/490233) Does not affect existing traffic. (District IV) - \$601,120.00
- f. Manlo from the east line of Lot 1, Block D, east to the east line of the plat; 34th Street North from the east line of Lot 6, Block D, east to the south line of Manlo to serve Mesa Verda Addition (south of 37th Street North, east of Meridian) (472-84482/766211/490229) Does not affect existing traffic. (District VI) - \$136,400.00

RECOMMENDED ACTION: Receive and file.

9. Petitions for Public Improvements:

- a. Water Distribution System in Cambria Addition, east of 143rd Street East, north of Pawnee. (District II)
- b. Construct 13th Street and Webb Road Left Turn Lanes to serve Foliage Center and Country Club Park Additions, at 13th, west of Webb. (District II)
- c. Water Distribution System to serve part of Killarney Plaza First Addition, south of 37th Street North, west of Rock. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

10. Consideration of Street Closures/Uses.

- a. **LGBT Pride Parade and Festival, June 29, 2008 2:00 pm – 8:00 pm. (District I)**
(PULLED PER COMMUNITY EVENTS COORDINATOR)
- b. Celebrate 2007, July 4, 2008 Lawrence Dumont Stadium, 9:00 am – 11:00 pm (District IV)
(McLean Boulevard, Douglas Avenue to Maple Street not including intersections)

RECOMMENDED ACTION: Approve the request subject to: hiring off-duty certified law enforcement officers as required; obtaining barricades to close the streets in accordance with requirements of Police, Fire, and Public Works Department; and Certificate of Liability Insurance on file with the Community Events Coordinator.

11. Change Orders:

- a. Traffic Signals at 34th Street and Woodlawn and 13th Street and Gatewood. (Districts I and II)
- b. Gypsum Creek Improvement from Hillside to the Wichita Drainage Canal. (District III)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

12. Property Acquisition:

- a. Acquisition of 220 East 21st Street for the Intersection Improvement Project at 21st and Broadway. (District VI)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

13. Minutes of Advisory Boards/Commissions

Wichita Airport Advisory Board, May 5, 2008
Art Council Minutes, May 8, 2008
Wichita Public Library, May 20, 2008
Wichita Public Library Special Meeting, May 29, 2008

RECOMMENDED ACTION: Receive and file.

14. Repair or Removal of Dangerous and Unsafe Structures. (Districts I and III)

<u>Property Address</u>	<u>Council District</u>
a. 1312 North Wabash	I
b. 2717 East 10th North, (garage)	I
c. 2676 South Jewett	III

RECOMMENDED ACTION: Adopt the resolutions to schedule public hearings before the City Council on August 5, 2008 at 09:30 a.m. or as soon as possible thereafter, to consider condemnation of structures deemed dangerous and unsafe per Kansas State Statutes and local ordinances.

15. Dedication of an Easement for Sanitary Sewer in the 100 Block of North St. Francis. (District VI)

RECOMMENDED ACTION: Approve the Utility Easement and authorize the necessary signatures.

16. Transfer of CIP Funds.

RECOMMENDED ACTION: Approve the transfer of funds; amend the CIP; adopt the amended Resolutions; and authorize the necessary signatures.

17. Settlement of Litigation.

RECOMMENDED ACTION: Authorize payment of \$190,000.00 as a full settlement of the case plus the mediation expenses of \$1,893.00.

18. 2008 Amendment Self Insurance Health Program-Summary Plan Description.

RECOMMENDED ACTION: Approve the 2008 Amendment to the Self-Insurance Health Program Summary Plan Description and authorize the appropriate signatures.

19. Wichita International Trade Processing Center Phase 2 Work Plan.

RECOMMENDED ACTION: Approve the contract amendment and authorize the Mayor to sign.

20. Second Reading Ordinances: (First Read June 17, 2008)

a. Public Hearing and Issuance of Industrial Revenue Bonds (Bombardier Learjet)
(Districts IV and V)

An ordinance authorizing the city of Wichita, Kansas, to issue its taxable industrial revenue bonds in the original aggregate principal amount not to exceed \$1,400,000 for the purpose of providing funds to finance the installation of improvements to certain existing aviation manufacturing and flight testing facilities as well as to finance the acquisition of certain machinery and equipment for such facilities located in the city of Wichita, Kansas; prescribing the form and authorizing execution of a thirteenth supplemental trust indenture by and between the city and the Bank of New York Trust Company, N.A., St. Louis, Missouri (the "trustee"), as trustee with respect to the bonds; prescribing the form and authorizing the execution of a thirteenth supplemental lease by and between Learjet Inc. and the city; approving the form of a guaranty agreement; and authorizing the execution of a bond purchase agreement by and between the city and Learjet Inc., as purchaser of the bonds.

(Item 20 continued)

b. Amendment of Industrial Revenue Bond Documents (Lee Real Estate, LLC) (District II)

An ordinance authorizing the amendment of the trust indenture, to modify the interest rate, relating to \$2,500,000 Industrial Revenue Bonds, Series X, 2006 (Lee Real Estate, LLC) (taxable under federal law), of the city of Wichita, Kansas.

An ordinance authorizing the amendment of the trust indenture, to modify the interest rate, relating to \$3,300,000 Industrial Revenue Bonds, Series V, 2007 (Lee Real Estate, LLC) (taxable under federal law), of the city of Wichita, Kansas.

c. Amending Chapter 3.72 of the Code of the City of Wichita, Kansas, Pertaining to Private Security Officers and Private Security Agencies

An ordinance creating new chapter 3.72 of the code of the city of Wichita, Kansas, pertaining to private security officers and private security agencies within the city, and repealing the original of said chapter 3.72.

RECOMMENDED ACTION: Adopt the Ordinances.

Adjournment

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2008-00023

Zone change from SF-5 single-family Residential ("SF-5") to GC General Commercial ("GC") on property described as:

That portion of the Southeast Quarter of Section 22, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, lying between the Wichita-Valley Center Flood Control and Interstate Highway 235.

AND

Vacated Second Street lying adjacent to the South line of Lot 1, Block A, West Substation Addition, Wichita, Sedgwick County, Kansas, except the east 43 feet thereof, situated in the Northeast Quarter of Section 22, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located at the termination of Gilda Street 1/2 mile south of Central and west of I-235.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, _____

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

EXCERPT OF MAY 22, 2008 MAPC HEARING

Case No.: ZON2008-23 – VL Richmond Revocable Trust, Attn: Margaret Richmond (Owner); David Wenz (Agent) Request City zone change from "SF-5" Single-family Residential

to "GC" General Commercial, with protective overlay on property described as:

That portion of the Southeast Quarter of Section 22, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, lying between the Wichita-Valley Center Flood Control and Interstate Highway 235.

AND

Vacated Second Street lying adjacent to the South line of Lot 1, Block A, West Substation Addition, Wichita, Sedgwick County, Kansas, except the east 43 feet thereof, situated in the Northeast Quarter of Section 22, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located at the termination of Gilda Street 1/2 mile south of Central and west of I-235.

BACKGROUND: The subject property is located a half mile south of Central with I-235 running along the east property line. The subject property is unplatted and contains 3.4 acres, currently zoned SF-5 Single-Family Residential ("SF-5"). The applicant has applied for a zone change to GC General Commercial ("GC") on the subject site and the uses he proposes include elements of outdoor storage, vehicle storage yard and nursery and garden center type uses. The subject property is currently undeveloped, and is currently being used for outdoor storage and as a vehicle storage yard. A review of aerial photographs indicates that the site has been used for similar type uses as to what is being proposed over the past 10 – 15 years.

Use of the subject property for outdoor storage, vehicle storage and nursery and garden center is illegal under the property's current zoning; however, no complaints have been received by the Office of Central Inspection regarding the illegal use of the property. The applicant has requested GC zoning, which is the first zoning district that permits the vehicle storage yard use of the property.

In addition to receiving GC zoning, the applicant will need to comply with the screening standards of the Unified Zoning Code and the Landscape Ordinance requirements. The screening standards for outdoor storage areas require a decorative fence, evergreen vegetation, or landscaped earth berms where adjacent to a residential zoning district or public street right-of-way. For the subject property, screening would be required along the north and east property line.

The character of the surrounding area is mixed with the City of Wichita Public Works Substation to the north and major barriers to the west (Wichita-Valley Center Floodway) and east (I-235). The subject property is triangular in shape, with just north, east and west property lines. The Substation (CON2001-00062) to the north is zoned SF-5 and the right-of-way for I-235 along the east property line provides a 270-foot buffer between the subject property and an electrical substation zoned SF-5. The Wichita-Valley Center Floodway runs along the west property line providing a 1,800-foot buffer between the subject site and SF-5 zoned property.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	City Public Works Sub-station Facility
EAST:	Right-of-Way	I-235
SOUTH:	Wichita-Valley Center Floodway	
WEST:	Wichita-Valley Center Floodway	

PUBLIC SERVICES: Public sanitary sewer and water service are currently not available to this location. The site is currently served by an on-site well and septic system. The site has access to North Gilda Street, a two-lane unimproved/improved local road. There are no current traffic volumes for North Gilda Street.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide identifies the general location as appropriate for “major institutional” development. The Commercial Locational Guidelines recommend that commercial sites should be located adjacent to arterial streets and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. This particular site is unique in the fact that it is bordered on two sides by wide right-of-ways. Along the east side of the subject site is I-235 and along the west side is the Wichita-Valley Center Floodway. The property is also adjacent to the City Public Works substation to the north. While this site does not conform to the locational guidelines for commercial development, this particular site will be used for outdoor storage and vehicle storage, uses that are served well by being located away from residential areas.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**, and subject to platting within one year.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the surrounding area is mixed with the City of Wichita Public Works Substation to the north and major barriers to the west (Wichita-Valley Center Floodway) and east (I-235). The subject property is triangular in shape, with just north, east and west property lines. The Substation (CON2001-00062) to the north is zoned SF-5 and the right-of-way for I-235 along the east property line provides a 270-foot buffer between the subject property and an electrical substation zoned SF-5. The Wichita-Valley Center Floodway runs along the west property line providing a 1,800-foot buffer between the subject site and SF-5 zoned property.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property is zoned “SF-5” Single-Family Residential, which does not permit storage uses. Vehicle storage yards are first permitted in the “GC” General Commercial zoning district. Given the site’s location, access and the I-235 expressway, it is not likely that the site would redevelop with single-family residential uses.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Detrimental affects should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code. Additionally, the subject property is separated by major barriers to the east (I-235) and west (Wichita-Valley Center Floodway) from lower intensity uses.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies:** The 2030 Wichita Functional Land Use Guide identifies the general location as appropriate for “major institutional” development. The Commercial Locational Guidelines recommend that commercial sites should be located adjacent to arterial streets and should have

site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

5. **Impact of the proposed development on community facilities:** No negative impacts on community facilities were identified at the time this report was prepared.

DERRICK SLOCUM, Planning Staff presented the Staff Report. He reported that the applicant had requested that they not be required to plat. He added that this zone change is subject to platting.

Responding to **HILLMAN**'s question concerning landscaping, **SLOCUM** said the highway was not elevated at this location. He briefly reviewed the site and pictures from the north, south, east and west. He indicated that staff felt the location was screened adequately.

Responding to a question from **HENTZEN** concerning exactly what "Outdoor Storage, Vehicle Storage" meant, **SLOCUM** briefly reviewed the definition contained in the Uniformed Zoning Code.

FOSTER referenced the screening requirements on the north and east property lines mentioned in the background information in the Staff Report and asked if these would still be required if the platting requirement is waived.

MILLER responded that the applicant will have to comply with screening and landscape requirements whether the site is platted or not.

Responding to **HILLMAN**'s comments concerning screening along the drainage ditch and the west side, **SLOCUM** commented that the nearest SF-5 Single-family Residential zoning was over 1,800 feet away and that no screening/landscaping was required. He added that the drainage ditch is already screened by the levee.

FOSTER asked if the City needed or anticipated needing any easements in the area.

SLOCUM said that would be addressed during the platting process.

DAVE WENTZ, AGENT FOR MARGARET RICHMOND (his mother-in-law) said the reason they do not want to plat is that they don't plan on doing anything to this property. He said it is just semantics; they are-not storing vehicles at the site. He said his son has a mowing and landscaping business and that he keeps three trucks and mowing equipment in a garage on the property. He said they also have an RV, a boat and another car parked there. He added that there was also a chain link fence along the "Big Ditch." He said platting was a very expensive proposition and that they don't plan on using the land for anything other than to store business equipment.

HILLMAN asked if the applicant planned to use the ground for a nursery or garden center.

WENTZ replied "No."

RON KENT, 250 W. DOUGLAS, APT 2512 said he owned the property on the other side of I-235 directly to the west of this location and that he was present to speak in favor of the zoning request. He said his property is also zoned SF-5; that he has a building on the property that he currently is not allowed to use because the previous owner split the property; and although he bought the property with the building on it, it is illegally zoned.

Responding to a question from **JOHNSON** on the location of his property, **KENT** referred to the aerial map. He said his property was purchased from KG&E and then the property was split.

Responding to a question from **JOHNSON** concerning location of utilities, **SLOCUM** explained that water and sewer stop at Third Street right before the sub-station. He added that the Office of Central Inspection had referred the applicant to zoning because vehicle storage was not allowed in SF-5 zoning.

JOHNSON said although he understands the applicant not wanting to plat, he said he doesn't like these deals because this may well end up being someone else's property and then it will be a hassle to get it platted. He said he was not going to support the motion.

MOTION: To approve subject to staff recommendation, without the platting requirement.

HILLMAN moved, **HENZTEN** seconded the motion, and it carried (7-3). **FOSTER, JOHNSON, MILLER-STEVENSON** – No.

City of Wichita
City Council Meeting
June 24, 2008

TO: Mayor and City Council

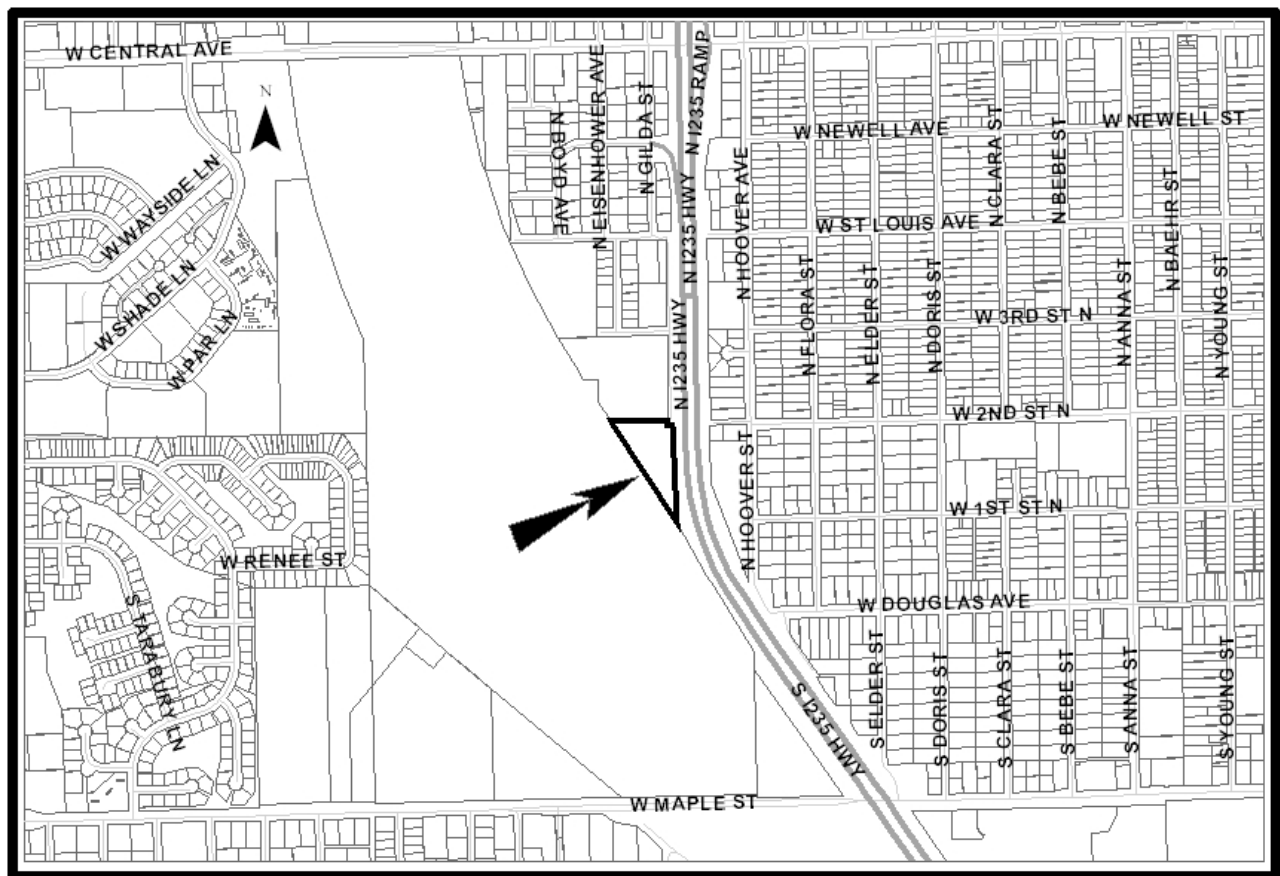
SUBJECT: ZON2008-00023 – City zone change from SF-5 Single-family Residential (“SF-5”) to GC General Commercial (“GC”), generally located at the termination of Gilda Street 1/2 mile south of Central and west of I-235. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, without the platting recommendation, vote 7-3.

MAPD Staff Recommendation: Approve, subject to platting within one year.



Background: The subject property is located a half mile south of Central with I-235 running along the east property line. The subject property is unplatted and contains 3.4 acres, currently zoned SF-5 Single-Family Residential (“SF-5”). The applicant has applied for a zone change to GC General Commercial (“GC”) on the subject site and the uses he proposes include elements of outdoor storage, vehicle storage yard and nursery and garden center type uses. The subject property is currently undeveloped, and is currently being used for outdoor storage and as a vehicle storage yard. A review of aerial photographs indicates that the site has been used for similar type uses as to what is being proposed over the past 10 – 15 years.

Use of the subject property for outdoor storage, vehicle storage and nursery and garden center is illegal under the property’s current zoning; however, no complaints have been received by the Office of Central Inspection regarding the illegal use of the property. The applicant has requested GC zoning, which is the first zoning district that permits the vehicle storage yard use of the property.

In addition to receiving GC zoning, the applicant will need to comply with the screening standards of the Unified Zoning Code and the Landscape Ordinance requirements. The screening standards for outdoor storage areas require a decorative fence, evergreen vegetation, or landscaped earth berms where adjacent to a residential zoning district or public street right-of-way. For the subject property, screening would be required along the north and east property line.

The character of the surrounding area is mixed with the City of Wichita’s Public Works substation to the north and major barriers to the west (Wichita-Valley Center Floodway) and east (I-235). The subject property is triangular in shape, with just north, east and west property lines. The substation (CON2001-00062) to the north is zoned SF-5 and the right-of-way for I-235 along the east property line provides a 270-foot buffer between the subject property and an electrical substation zoned SF-5. The Wichita-Valley Center Floodway runs along the west property line providing a 1,800-foot buffer between the subject site and SF-5 zoned property.

Analysis: At the MAPC meeting held May 22, 2008, the MAPC voted (7-3) to recommend approval of the request for GC zoning without the platting recommendation. The applicant and a nearby property owner spoke in favor of the application and there was no opposition.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Concur with the findings of the MAPC, approve the zone change and place the ordinance establishing the zone change on first reading; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

Published in The Wichita Eagle on _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2003-50

Request for Zone change from SF-5, Single-Family Residential and LC, Limited Commercial to GC, General Commercial, for property described as:

Lots 1-80, Block 1, Holland Commercial Addition, Wichita, Sedgwick County, Kansas.

Generally located on the northwest corner of Kellogg and Tyler Road.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this _____ day of _____, 2008.

ATTEST:

Carl Brewer, Mayor

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

NOTICE OF COMMUNITY UNIT PLAN

THIS NOTICE made this 17th day of march, 2007, by the undersigned, hereinafter called "Declarants",

WITNESSETH

WHEREAS, Declarants, are the owners of the following described property:

Lots 1-8, Block 1, Holland Commercial Addition, Wichita, Sedgwick County, Kansas,

and,

NOW, THEREFORE, the Declarants hereby give notice that the approved Community Unit Plan (Holland Commercial # DP-268), on file with the Wichita-Sedgwick County Metropolitan Area Planning Department, has placed restrictions on the use and requirements on the development of the above-described property.

(SUB 2005-103)

EXECUTED the day and year first written above by:

Holland Ventures, LLC

Signed: _____

Print: owner

Title: George Holland

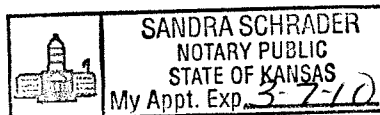
STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 17th day of march, 2007, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came George Holland, Holland Ventures, LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

Sandra Schrader
Notary Public

My Commission Expires: march 7, 2010



George Holland

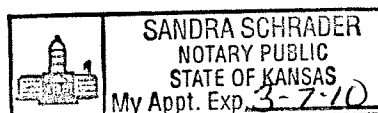
STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

Sandra Schrader
Notary Public

My Commission Expires: march 7, 2010



George Dimitropoulos 3/17/07
George Dimitropoulos

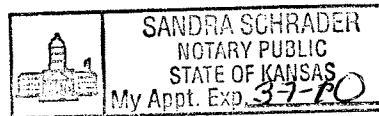
STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 17 day of March, 2007, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came George Dimitropoulos, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

Sandra Schrader
Notary Public

My Commission Expires: March 7, 2010



CERTIFICATE OF PETITION

STATE OF KANSAS)
)SS
COUNTY OF SEDGWICK)

We, the undersigned owners of the following described real property:

Lots 1-8, Block 1, Holland Commercial Addition, Wichita, Sedgwick County, Kansas;

do hereby certify that a petition for the following improvements has been submitted to the City Council of the City of Wichita, Kansas

1. Sanitary Sewer
2. ½ Byron Avenue Paving Petition
3. Belview Approach Paving Petition
4. Water Main
5. Drainage Improvements

As a result of the above-mentioned petitions for improvements, all lots or portions thereof within the above described real property, may be subject to special assessments assessed thereto for the cost of constructing the above described improvements.

(Sub 2005-102)

Executed this 17th day of march, 2007

Holland Ventures, LLC

Signed: [Signature]
Print: George Holland
Title: Owner

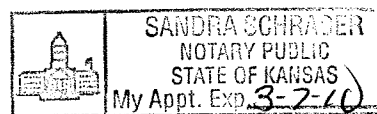
STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

[Signature: Sandra Schrader]
Notary Public

My Commission Expires: march 7, 2010



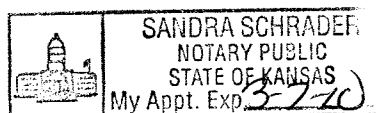
[Signature]
George Holland

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

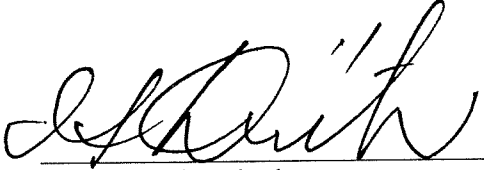
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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

[Signature: Sandra Schrader]
Notary Public



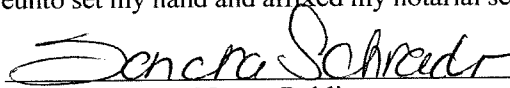
My Commission Expires: March 7, 2010


George Dimitroploules

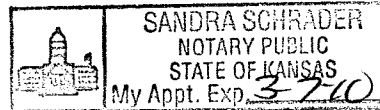
STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 17th day of March, 2007, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came George Dimitroploules, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.


Notary Public

My Commission Expires: March 7, 2010



**DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, AND RECIPROCAL EASEMENTS**

THIS DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND RECIPROCAL EASEMENTS ("Declaration") is made this 7th day of March, 2007, by the undersigned ("Declarants").

RECITALS

WHEREAS, Declarants, collectively, are the owners of that certain real property ("Property") situated in the City of Wichita, County of Sedgwick, State of Kansas, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Declarants desire to provide for the orderly development of Property by imposing certain easements upon the Property, and to establish certain covenants, conditions and restrictions with respect to said Property, for the mutual benefit of the present and future owners and occupants thereof, on the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the above premises and of the covenants herein contained, Declarants hereby covenant and declare that the Property and all present and future owners and occupants of the Property shall be and hereby are subject to the terms, covenants, easements, restrictions and conditions hereinafter set forth in this Declaration, so that said Property shall be maintained, kept, sold and used in full compliance with and subject to this Declaration and, in connection therewith, Declarants hereto on behalf of itself and its respective successors and assigns covenant and declares follows:

DECLARATIONS

1. **Definitions.** For purposes hereof:

(a) The term "Owner" shall mean the owner of Property and any and all successors or assigns of such persons as the owner or owners of fee simple title to all or any portion of the real property covered hereby, whether by sale, assignment, inheritance, operation of law, trustee's sale, foreclosure, or otherwise, but not including the holder of any lien or encumbrance on such real property.

(b) The term "Common Area" shall mean those portions of Property that are outside of exterior walls of buildings or other structures from time to time located on the Property, and which are either unimproved, or are improved as (without limitation) parking areas, landscaped areas, driveways, roadways, walkways, light standards, curbing, paving, entrances, exits and other similar exterior site improvements.

(Sub 2005-102)

- (c) The term “Driveways” shall mean those certain driveways and related driveway improvements, paving, curbing, entrances and exits, as currently constructed or as may be constructed on the Property.
- (d) The term “Access Opening” shall mean the opening(s) and access point(s) as shown on the recorded plat for Property for any adjacent public roadways for use of the Driveways.

2. Easements.

2.1 Grant of Reciprocal Easements. Subject to any express conditions, limitations or reservations contained herein, Declarants hereby grant, establish, covenant and declare that the Property shall be benefited and burdened by the following nonexclusive, perpetual and reciprocal easements which are hereby imposed upon the Property and all present and future Owners of the Property:

- (a) An easement for reasonable access, ingress and egress over all paved driveways, roadways and walkways constituting a part of the Common Area of Property including, without limitation, the Driveways, so as to provide for the passage of motor vehicles and pedestrians between all portions of the Common Area of Property intended for such purposes, and to and from all abutting streets or rights of way furnishing access to Property via the Access Openings. No walls, fences or barriers of any sort or kind shall be constructed upon the Common Areas of the Property or any portion thereof by any Owners which shall prevent or impair the use or exercise of any easements granted herein or the free access and movement of pedestrian and vehicular traffic between the various Property and between the various Property and any public thoroughfares; provided, however, curb stops and other reasonable traffic controls, including, without limitation, stop signs, directional barriers and parking stops as may be necessary to guide and control the orderly flow of traffic, may be installed so long as Driveways are not closed or blocked and the traffic circulation pattern of the Common Areas is not changed or affected in any material way.
- (b) An easement for the parking of vehicles in the parking areas designated as part of the Common Areas of the Property and as the same may be modified or removed from time to time by the Owner upon which the parking areas are located (the “Parking Easement”). The Parking Easement is for customer and employee parking in connection only with the businesses operated from time to time at the Property. In no event shall the Parking Easement be used for delivery or truck parking, overnight parking, storage or other similar parking purposes that shall constitute an unreasonably prolonged use of the Parking Easement. The foregoing notwithstanding, each Owner of the Property if subdivided shall be responsible for independently and separately satisfying any applicable parking requirements under zoning and planning ordinances in effect for each Property.
- (c) An easement upon, under, over, above and across the Common Areas of the Property for the discharge, drainage, use, detention and retention of storm water runoff in the manner as shown on the approved drainage plan for the plat of Property on file with the city engineer’s office, and to install, maintain, repair and replace storm water collection, retention, detention and distribution lines, conduits, pipes and other apparatus under and across those portions of the Common Areas indicated on the drainage plan or as otherwise constructed from time to time for specific site uses or development.
- (d) An easement under and across those parts of the Common Areas that are not within any permissible building areas, for the installation, maintenance, repair and replacement of water mains, storm drains, sewers, water sprinkler system lines, telephone or electrical conduits or

systems, cable, gas mains and other utility facilities necessary for the orderly development and operation of the Common Areas and each building from time to time located within the Property. All such systems, structures, mains, sewers, conduits, lines and other public utilities shall be installed and maintained below the ground level or surface of the Property except for such parts thereof that cannot and are not intended to be placed below the surface, such as transformers and control panels, which shall be placed in such location as approved by the Owner of the affected Property.

2.2 Reasonable Use of Easements. The easements herein above granted shall be used and enjoyed by each Owner in such a manner so as not to unreasonably interfere with, obstruct or delay the conduct and operations of the business of any other Owner at any time conducted on its Property, including, without limitation, public access to and from said business, and the receipt or delivery of merchandise in connection therewith.

3. Maintenance.

3.1 Common Area. Owner covenants at all times during the term hereof to operate and maintain or cause to be operated and maintained at its expense all Common Area located on its Property in good condition and repair, and performing any and all such other duties as are necessary to maintain such Common Area in a clean, safe and orderly condition; however, should Property be subdivided then each subsequent Owner shall maintain the Common Area on their own respective Property at their own expense.

3.2 Screen Wall/Landscape Buffers. Each owner shall bear the maintenance cost for mowing, watering, repairs, painting, etc., for the maintenance of the screening wall and landscape areas on their respective properties; however, should Property be subdivided then such maintenance expense shall be distributed among all Owners based upon the square footage of each subsequent subdivided Property or ownership.

3.3 Drainage Facilities. Each Owner shall equally share in the cost to operate and maintain, or cause to be operated and maintained, in good order, condition and repair, the drainage facilities located upon the Property and make any and all repairs and replacements that may from time to time be required with respect thereto; however, should each respective Property be subdivided then such maintenance expense shall be distributed among all Owners based upon the square footage of each subsequent subdivided Property or ownership

4. Miscellaneous

4.1 Insurance. Throughout the term of this Declaration, each Owner shall procure and maintain general and/or comprehensive public liability and property damage insurance against claims for personal injury, death, or property damage occurring upon such Owner's Property, with single limit coverage of not less than an aggregate of Five Hundred Thousand Dollars (\$500,000.00) including umbrella coverage, if any, and naming each other Owner (provided the Owner obtaining such insurance has been supplied with the name of such other Owner in the event of a change thereof as additional insureds.

4.2 Taxes and Assessments. Each Owner shall pay all taxes, assessments, or charges of any type levied or made by any governmental body or agency with respect to its Property.

4.3 No Rights in Public; No Implied Easements. Nothing contained herein shall be construed as creating any rights in the general public or as dedicating for public use any portion of Property.

4.4 Term. The easements, covenants, conditions and restrictions contained in this Declaration shall be effective commencing on the date of recordation of this Declaration in the Office of the Register of Deeds of Sedgwick County, Kansas, and shall remain in full force and effect thereafter in perpetuity, unless this Declaration is modified, amended, canceled or terminated by the written consent of all then record Owners of Property in accordance with the terms contained herein.

4.5 Amendment. This Declaration may be modified or amended, in whole or in part, or terminated, only by the written consent of all record Owners of Property evidenced by a document that has been fully executed and acknowledged by all such record Owners and recorded in the official records of the Office of the Register of Deeds of Sedgwick County, Kansas.

4.6 Covenants to Run with Land. It is intended that each of the easements, covenants, conditions, restrictions, rights and obligations set forth herein shall run with the land and create equitable servitudes in favor of the real property benefited thereby, shall bind every person having any fee, leasehold or other interest therein and shall inure to the benefit of the respective parties and their successors, assigns, heirs, and personal representatives. In no event shall the rights, powers and obligations conferred upon the Owners hereunder be at any time transferred or assigned by any such Owners other than through a transfer of their respective interests in their respective Property.

IN WITNESS WHEREOF, Declarants have caused this Declaration to be executed effective as of the date first written above.

Holland Ventures, LLC

Signed: _____

Print: George Hollenc

Title: owner

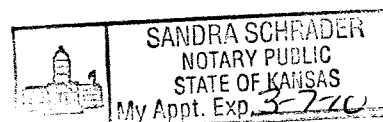
STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 17th day of March, 2007, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came George Hollenc, Hollenc, Holland Ventures, LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

Sandra Schrader
Notary Public

My Commission Expires: March 7, 2010



[Signature]
George Holland

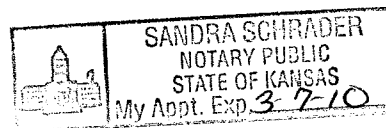
STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

[Signature]
Notary Public

My Commission Expires: 3-7-2010



[Signature]
George Dimitroploules

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 17th day of March, 2007, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came George Dimitroploules, personally known to me and he/she has executed this instrument of writing on the date above first written.

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[Signature]
Notary Public

My Commission Expires: March 7, 2010

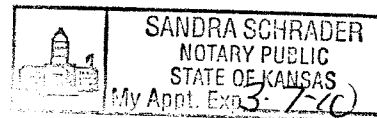


EXHIBIT A

Lots 1-8, Block 1, Holland Commercial Addition, Wichita, Sedgwick County, Kansas

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 8, MAIN 8, SOUTHWEST INTERCEPTOR SEWER (NORTH OF KELLOGG, WEST OF TYLER) 468-84393** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **LATERAL 8, MAIN 8, SOUTHWEST INTERCEPTOR SEWER (NORTH OF KELLOGG, WEST OF TYLER) 468-84393** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 8, Main 8, Southwest Interceptor Sewer (north of Kellogg, west of Tyler) 468-84393**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Ten Thousand Dollars (\$10,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **January 1, 2007** exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

HOLLAND COMMERCIAL ADDITION

Lots 3, 6 through 7, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lot 3, 6 through 7, Block 1, HOLLAND COMMERCIAL ADDITION, shall each pay 1/3 of the total cost of the improvements.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this _____
day of _____, 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON **BELVIEW AVENUE** FROM TYLER ROAD TO 30 FEET WEST OF THE WEST LINE OF LOT 8 OF HOLLAND COMMERCIAL ADDITION (NORTH OF KELLOGG, WEST OF TYLER) 472-84589 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON **BELVIEW AVENUE** FROM TYLER ROAD TO 30 FEET WEST OF THE WEST LINE OF LOT 8 OF HOLLAND COMMERCIAL ADDITION (NORTH OF KELLOGG, WEST OF TYLER) 472-84589 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement on **Belview Avenue** from Tyler Road to 30 feet west of the west line of lot 8 of Holland Commercial Addition (north of Kellogg, west of Tyler) 472-84589.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to **Fifty-One Thousand Dollars (\$51,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **January 1, 2007** exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

HOLLAND COMMERCIAL ADDITION

Lots 1 through 8, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 8, Block 1, HOLLAND COMMERCIAL ADDITION, shall each pay 1/8 of the improvement cost.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this ____ day of

_____, 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

132019

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON **THE EAST HALF OF BYRON AVENUE FROM THE NORTH LINE OF HOLLAND COMMERCIAL ADDITION TO THE SOUTH LINE OF HOLLAND COMMERCIAL ADDITION (NORTH OF KELLOGG, WEST OF TYLER) 472-84590** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON **THE EAST HALF OF BYRON AVENUE FROM THE NORTH LINE OF HOLLAND COMMERCIAL ADDITION TO THE SOUTH LINE OF HOLLAND COMMERCIAL ADDITION (NORTH OF KELLOGG, WEST OF TYLER) 472-84590** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement on **the east half of Byron Avenue from the north line of Holland Commercial Addition to the south line of Holland Commercial Addition (north of Kellogg, west of Tyler) 472-84590.**

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to **Fifty-Four Thousand Dollars (\$54,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **January 1, 2007** exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

HOLLAND COMMERCIAL ADDITION

Lots 1 through 8, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lot 1, Block 1, HOLLAND COMMERCIAL ADDITION, shall pay 52/100 of the improvement cost, Lot 2, Block 1, HOLLAND COMMERCIAL ADDITION, shall pay 5/100 of the improvement cost, Lots 3 through 5, Block 1, HOLLAND COMMERCIAL ADDITION, shall each pay 6/100 of the improvement cost, Lot 6, Block 1, HOLLAND COMMERCIAL ADDITION, shall pay 8/100 of the improvement cost, Lot 7, Block 1, HOLLAND COMMERCIAL ADDITION, shall pay 7/100 of the improvement cost and Lot 8, Block 1, HOLLAND COMMERCIAL ADDITION, shall pay 10/100 of the improvement cost.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90319 (NORTH OF KELLOGG, WEST OF TYLER)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90319 (NORTH OF KELLOGG, WEST OF TYLER)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Water Distribution System Number 448-90319 (north of Kellogg, west of Tyler)**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Forty-Two Thousand Dollars (\$42,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **January 1, 2007**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

HOLLAND COMMERCIAL ADDITION

Lots 1 through 5, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 5, Block 1, HOLLAND COMMERCIAL ADDITION, shall each pay 1/5 of the improvement cost.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this _____day
of_____, 2007

Signed by the Mayor

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **STORM WATER DRAIN NO. 330 (NORTH OF KELLOGG, WEST OF TYLER) 468-84394** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **STORM WATER DRAIN NO. 330 (NORTH OF KELLOGG, WEST OF TYLER) 468-84394** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve **Storm Water Drain No. 330 (north of Kellogg, west of Tyler) 468-84394**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Seven Hundred Thousand Dollars (\$700,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **September 1, 2007**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

HOLLAND COMMERCIAL ADDITION

Lots 1 through 5, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 5, Block 1, HOLLAND COMMERCIAL ADDITION, shall each pay 1/5 of the improvement cost.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____ 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

City of Wichita
City Council Meeting
June 24, 2008

TO: Mayor and City Council Members

SUBJECT: SUB 2005-102 -- Plat of Holland Commercial Addition located on the northwest corner of Kellogg and Tyler Road. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Background: This site, consisting of eight lots on 11.6 acres, is a replat of Payday Addition, Schniepp Addition, a portion of Westport Addition and unplatted property. This site has been approved for a zone change (ZON 2003-50) from SF-5 Single-Family Residential and LC Limited Commercial to GC General Commercial. The Holland Commercial Community Unit Plan (CUP 2003-52/DP-268) has also been approved for this site. A CUP Certificate has been submitted identifying the approved CUP and its special conditions for development on this property.

Analysis: Petitions, 100 percent, a Certificate of Petitions have been submitted for sewer, paving, water and drainage improvements. A Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements has also been submitted.

The plat has been approved by the Metropolitan Area Planning Commission, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Certificate of Petitions, Notice of Community Unit Plan and Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat, authorize the necessary signatures, adopt the Resolutions and approve first reading of the Ordinance.



THIS AGREEMENT made and entered into this _____ day of _____, 2008, by and between the City of Wichita, Kansas, party of the first part (hereinafter "City"), and Stephan Shaw, party of the second part (hereinafter "Owner").

WITNESSETH:

WHEREAS, City, at some undetermined time in the future, intends to construct certain public improvements to serve property owned by Owner and property owned by others; and

WHEREAS, Owner is the owner of real property legally described as Lot 1, Block A, Shaw Addition, Wichita, Kansas; and

WHEREAS, Owner wishes to plat into above described property.

WHEREAS, City wishes to insure that the said real property owned by Owner will be included in the improvement district responsible for that portion of the costs of said future improvement that are to be assessed pursuant to the provisions of K.S.A. 12-6a01 et seq..

NOW, THEREFORE, the parties hereto agree as follows:

1. City shall grant Owner's platting of Shaw Addition to said real property, notwithstanding the fact that not all the public improvements normally required to be guaranteed as a condition of platting have been fulfilled.

2. Owner, on his own behalf and on behalf of his heirs, assigns and successors in interest, irrevocably waives his right, pursuant to K.S.A. 12-6a06, to protest the commencement of the construction of paving Elder Street from Central to the north line of Shaw Addition by City, but nothing contained herein shall be deemed to be a waiver by Owner of his right to challenge, pursuant to K.S.A. 12-6a11, the reasonableness of the portion of the cost of said construction assessed against Owner's said real property.

3. A copy of this agreement shall be recorded with the Register of Deeds and the promises herein made by Owner shall constitute covenants running with the land described herein.

IN WITNESS WHEREOF, said parties have set their hand this 06 day of

June, 2008.

OWNER

By

Stephen Shaw, Owner

Stephen Shaw, owner

CITY OF WICHITA

By

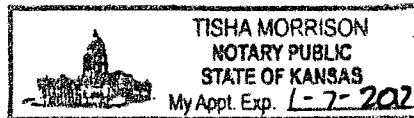
Carl Brewer, MAYOR

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BE IT REMEMBERED that on this 06th day of June, came

Stephen Shaw, owner
to me personally known to be the same person who executed the foregoing instrument of writing, and said person duly acknowledged the execution thereof.

Dated at Wichita, Kansas, this 06th day of June, 2008.



My Commission expires _____

Tisha Morrison
Notary Public

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BE IT REMEMBERED that on this _____ day of _____, came _____

to me personally known to be the same person who executed the foregoing instrument of writing, and said person duly acknowledged the execution thereof.

Dated at Wichita, Kansas, this _____ day of _____, 2008.

Notary Public

My Commission expires _____

AVIGATIONAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, this 10th day of June, 2008, by Stephen Shaw, Owner, and, GRANTOR hereof, does hereby grant a permanent Avigational Easement to the public authority authorized by Law to own and operate public-owned airports in Sedgwick County, Kansas, for the use of "Navigable Airspace" as defined by the Federal Aviation Act of 1958, over all the following described real estate, to-wit:

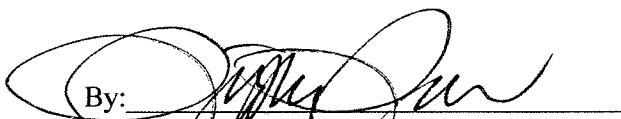
SHAW ADDITION An Addition to Wichita, Sedgwick County, Kansas

By virtue of this easement, the grantor, for and on behalf of himself and all successors in interest to any and all of the real property above described, waives as to the public authority only any and all claims for damage of any kind whatsoever incurred as a result of aircraft using the "Navigable Airspace" granted herein. This easement does not grant or convey any surface use rights, nor is it to be constructed to grant any right to private persons or corporations.

"Navigable Airspace" means air space above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act of 1958, Section 101 (24) 49 U.S. Code 1301, and shall include air space needed to insure safety in take-off and landing of aircraft.

The undersigned do hereby adopt the easement that is to run with the property and shall be binding on all parties, heirs, successors, assigns, and all persons claiming interest therein.

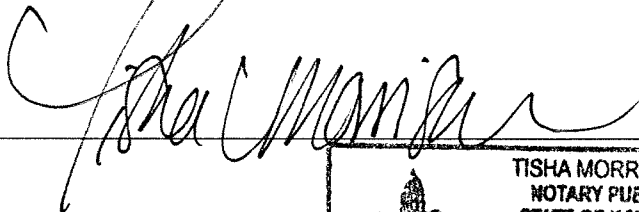
IN TESTIMONY WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

By: 
Stephen Shaw, Owner

State of Kansas)

County of Sedgwick)

Be it remembered that on this 6th day of June, 2008, before me a Notary Public in and for said State and County, came Stephen Shaw, Owner, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

 , Notary Public

My Appointment Expires:



Covenant

This covenant, executed this 6th day of June, 2008.

WITNESSETH:

WHEREAS, the undersigned are in the process of platting that certain real property to be known as Shaw Addition to Wichita, Sedgwick County, Kansas; and

WHEREAS, as a part of the platting process certain requirements have been made by the Wichita-Sedgwick County Metropolitan Commission providing for minimizing noise pollution in any new structures.

NOW, THEREFORE, the undersigned do hereby subject Shaw Addition to Wichita, Sedgwick County, Kansas, to the following covenants:

1. Any building constructed on the premises shall be so designed and constructed as to minimize noise pollution in any such structure, giving due consideration to the use for which such structure is designed and built. This covenant is for the benefit of said property and shall run with the land and inure to the benefit of and pass with said property and shall apply to and bind the successors in interest and any owner thereof.

IN TESTIMONY WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.


By: 

Stephen Shaw, Owner

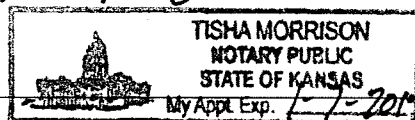
State of Kansas)

County of Sedgwick)

Be it remembered that on this 6th day of June, 2008, before me a Notary Public in and for said State and County, came Stephen Shaw, Owner, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

 , Notary Public

My Appointment Expires:



NOTICE OF PROTECTIVE OVERLAY

THIS NOTICE made this 9th day of June, 2008, by Stephen Shaw, hereinafter called "Declarant,"

WITNESSETH

WHEREAS, Declarant is the owner of the following-described property:

Shaw Addition, an Addition to Wichita, Sedgwick County, Kansas

WHEREAS, Declarant is desirous to file notice that a zoning protective overlay approved by the Wichita City Council is on file with the Wichita-Sedgwick County Metropolitan Area Planning Department, located on the 10th Floor, City Hall, Wichita, Kansas, (316) 268-4421.

NOW, THEREFORE, the Declarant gives notice that the approved protective overlay (P-O #212) per zone change case ZON 2008-17 has placed restrictions on the use and requirements of the development of the above-described real property. This protective overlay shall be binding on the owners, their heirs, or successors or assigns and is a document running with the land and is binding on all successors in title to Walsh Addition.

EXECUTED the day and year first written above.

By: 

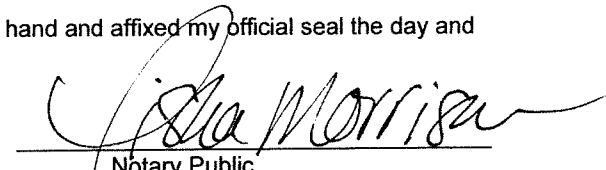
Stephen Shaw

STATE OF KANSAS
COUNTY OF SEDGWICK

)
SS:

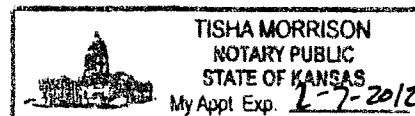
BE IT REMEMBERED, that on this 9 day of June, 2008, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, Stephen Shaw, personally known to me to be the same person who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.


Notary Public

SEAL

(My Appointment Expires: 1-7-2012)



Published in The Wichita Eagle on _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2008-17

Request for Zone change from SF-5, Single-Family Residential to LC, Limited Commercial Commercial and to P-O #212, Protective Overlay District, for property described as:

Lot 1, Block A, Shaw Addition, Wichita, Sedgwick County, Kansas.

Generally located on the north side of Central and east of Hoover Road.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #212:

1. The development parcel contains 0.75 net acres, more or less.
2. Prohibited uses: Group residence, correctional placement residence(limited and general), group home (general, and commercial), communication tower(commercial), kennel(boarding/breeding/training, and hobby), night club, riding academy or stable, tattooing and body piercing facility, tavern and drinking establishment, asphalt and concrete plant, gas and fuel storage, rock crushing, solid waste incinerator, convenience store, car wash, drive-through restaurants.
3. The transfer of title on all or any portion of the land included in the development does not constitute a termination of the overlay or any portion thereof; but said overlay shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended. However, the Planning Director, with concurrence of the OCI Superintendent, may approve minor adjustments to the conditions of this overlay, consistent with the approved development plan, without filing a formal ordinance amendment.
4. Landscape and Parking Lot screening – Shall be in accordance with the City of Wichita Code. A landscape plan, prepared by a Landscape Architect licensed in the State of Kansas, indicating the location, type, and specification of plant material shall be submitted to the planning department for their review and approval prior to the issuance of any building permit(s). Parking lot screening on the east property line shall be evergreen plant material or shall be a solid parking lot screening fence of masonry or wood.
5. All signs shall be per city code, for property zoned LC. No portable or off-site signs allowed. No signs shall be allowed on the north side of the buildings, no building signs facing east shall be illuminated.
6. Parking – Shall be in accordance with the Wichita – Sedgwick County Unified Zoning Code.
7. Light standards shall be a maximum height of 25 feet and consistent in pole and fixture throughout the development.
8. All drainage ways and easements shall be determined at the time of platting.

9. Loading areas, trash receptacles, outdoor storage, and docks shall be screened from ground level view. Mechanical equipment on top of buildings shall be screened to the height of the unit. Outdoor storage shall be screened such that no stored material protrudes above the top of the screening.
10. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
11. Outdoor speakers and sound amplification systems shall not be permitted on the site.
12. The zone change to LC Limited Commercial shall be subject to platting within one year. The plat shall dedicate access control to Central, except for one opening. The plat shall either guarantee full paving of Elder along the west frontage with one access point on Elder, or shall dedicate complete access control with no openings on Elder.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this _____ day of _____, 2008.

ATTEST:

Carl Brewer, Mayor

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

**City of Wichita
City Council Meeting
June 24, 2008**

TO: Mayor and City Council Members

SUBJECT: SUB 2008-18 -- Plat of Shaw Addition located on the north side of Central and east of Hoover Road. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

Background: This unplatted site, consisting of one lot on .74 acres, is located within Wichita's city limits. A zone change (ZON 2008-17) from SF-5 Single-family Residential to LC Limited Commercial and a Protective Overlay (P-O #212) have been approved for this site. A Notice of Protective Overlay addressing uses, outside storage, screening, signage and lighting has been submitted.

Analysis: City water and sewer services are available to serve the site. A No Protest Agreement has been submitted regarding the future paving of Elder. Since this site is located within the noise impact area of Mid-Continent Airport, a Restrictive Covenant and Avigational Easement have been submitted.

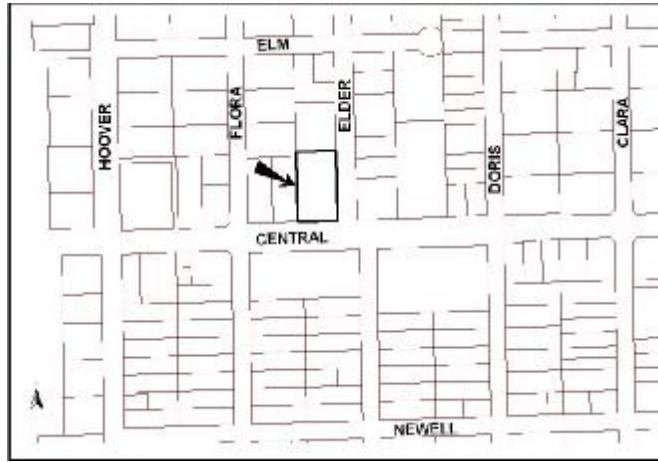
The plat has been approved by the Metropolitan Area Planning Commission, subject to conditions. Publication of the ordinance should be withheld until the plat is recorded with the Register of Deeds.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Notice of Protective Overlay, No Protest Agreement, Restrictive Covenant and Avigational Easement will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat, authorize the necessary signatures and approve first reading of the ordinance.



City of Wichita
City Council Meeting
June 24, 2008

TO: Mayor and City Council

SUBJECT: VAC2008-00013 - Request to vacate portions of a platted easement and portions of an easement dedicated by separate instrument; generally located between 135th and 151st Streets West, north of Kellogg Street. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

Background: The applicants are requesting consideration for the vacation of the platted 10 foot drainage and utility easement running parallel to the east lot line of Lot 9, Block A, Auburn Hills 11th Addition and extending into Reserve H, Auburn Hills 16th Addition, and the 10 foot drainage and utility easement dedicated by separate instrument (Film 2256/Page 89) running parallel to the east side of the lot line of Lot 9, Block A, Auburn Hills 11th Addition and extending into Reserve H, Auburn Hills 16th Addition. There are no utilities, drainage, manholes, sewer or water lines in the subject easements. The Auburn Hills 11th Addition was recorded with the Register of Deeds on August 30, 2001. The Auburn Hills 16th Addition was recorded with the Register of Deeds on February 3, 2006.

Analysis: The MAPC voted (8-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

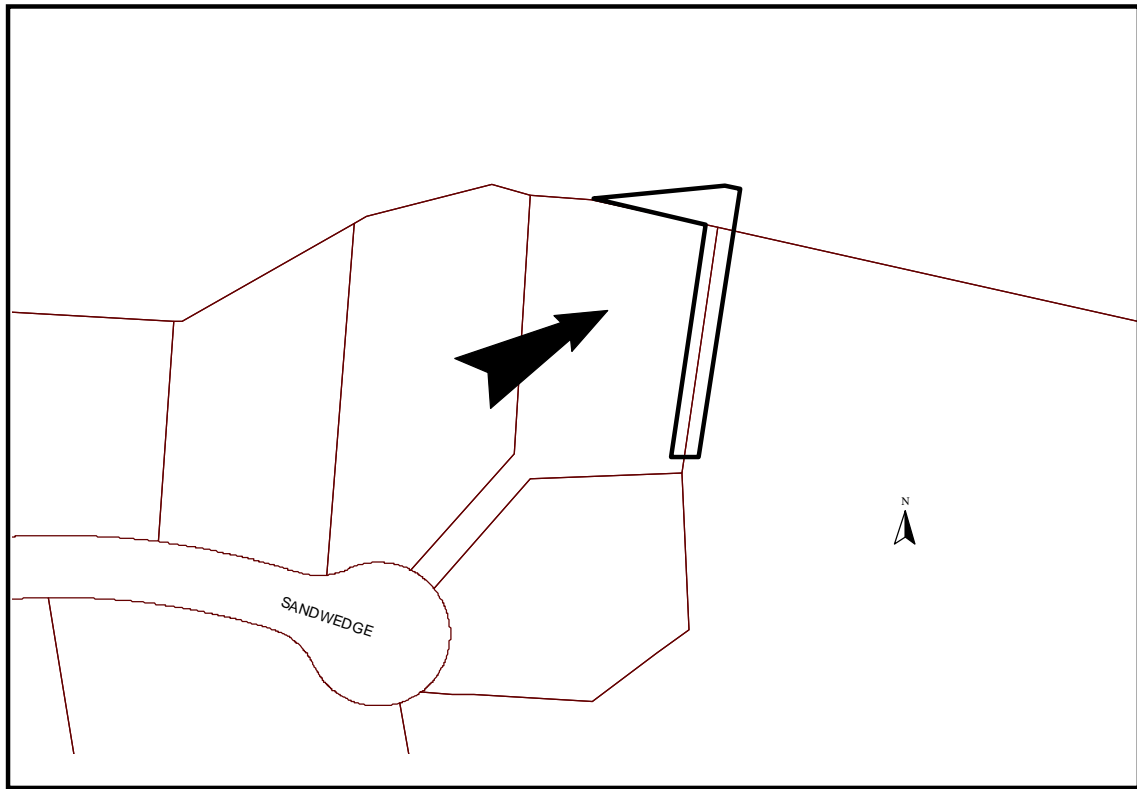
Financial Considerations: None.

Goal Impact: Ensure efficient infrastructure.

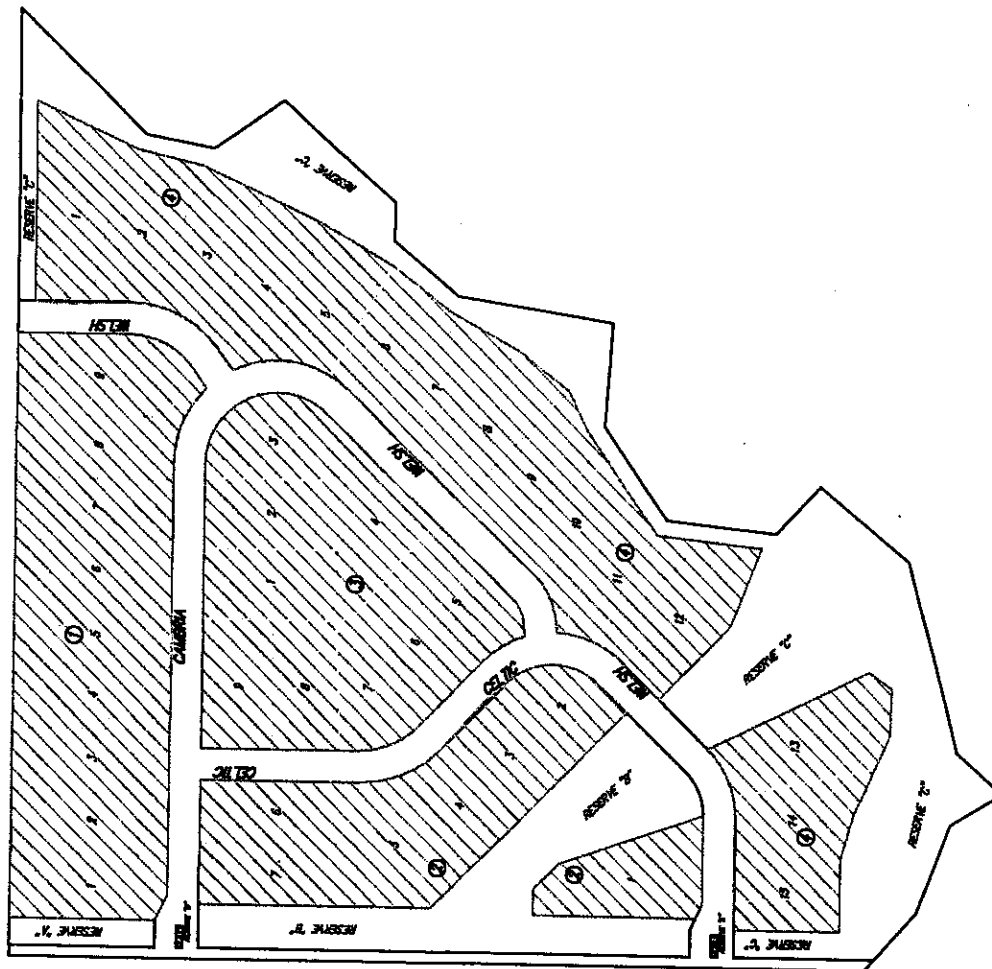
Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

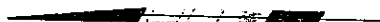
Attachments: None.



CAMBRIA ADDITION



143RD STREET EAST



PROPOSED IMPROVEMENT DISTRICT
 (ACTUAL ALIGNMENT TO BE
 DETERMINED BY DESIGN ENGINEER)



CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project

To Revise Project

	X

1. Prepare in triplicate

3. City Manager to sign all copies.

4. File original w/ initiating resolution in City Clerk.

5. Return 2nd copy to initiating department.

6. Send 3rd copy to Controller.

1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 6/3/2008	4. Project Description & Location Water Distribution System for Cambria Addn
5. CIP Project Number NI-200424	6. Accounting Number	7. CIP Project Date (Year) 2008	8. Approved by WCC Date
9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised	
As Required			
12. Project Cost Estimate			
ITEM	GO	SA	OTHER *
Right of Way			
Paving, grading & const.			
Bridge & Culverts			
Drainage			
Sanitary Sewer			
Sidewalk			
Water		\$134,150	\$177,850
Other			\$312,000
Totals		\$134,150	\$177,850
Total CIP Amount Budgeted			\$312,000
Total Prelim. Estimate			
13. Recommendation:			
Approve the Petition and adopt the Resolution			

Platting Required	Yes	No
Lot Split	X	
Petition	X	
Ordered by WCC		

Remarks:

100% Petition

* Water Utility
448-90360

Division Head Gary Jany for Jim Genovese 06/04/08	Department Head Steve M. Cani	Budget Officer Matthew H. Hill	City Manager
Date	Date	Date	Date

RECEIVED

JUN 10 '08

WATER MAIN PETITION

CITY CLERK OFFICE

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

CAMBRIA ADDITION

448-90360

Lots 1 - 9, Block 1
Lots 1 - 7, Block 2
Lots 1 - 9, Block 3
Lots 1 - 15, Block 4

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the foregoing improvements being Three Hundred Twelve Thousand Dollars (\$312,000.00) exclusive of the cost of interest on borrowed money, with 43 percent payable by the improvement district and 57 percent payable by the City of Wichita Department of Water and Sewer. Said estimated cost as above setforth is hereby increased at the pro rata rate of 1 percent per month from and after January 1, 2008.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the

redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis:

That the following lots shall each pay 1/40 of the total cost of the improvement district:

CAMBRIA ADDITION

Lots 1 - 9, Block 1

Lots 1 - 7, Block 2

Lots 1 - 9, Block 3

Lots 1 - 15, Block 4

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.
3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.
4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
-------------------	-----------	------

CAMBRIA ADDITION

Lots 1 - 9, Block 1
Lots 1 - 7, Block 2
Lots 1 - 9, Block 3
Lots 1 - 15, Block 4

X		
---	--	---

AFFIDAVIT

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief.

Bill Morris
Name

Bill Morris

PW - RNO
Address

4548
Telephone Number

Sworn to and subscribed before me this 10 day of June, 2008.



Janis Edwards
Deputy City Clerk

City of Wichita
City Council Meeting
June 24, 2008

TO: Mayor and City Council Members

SUBJECT: Petition for Water Distribution System in Cambria Addition (east of 143rd St. East, north of Pawnee) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petition.

Background: On February 5, 2008, the City Council approved a petition for a water distribution system in Cambria Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the Petition represents 100% of the improvement district.

Analysis: The project will serve a new residential development located east of 143rd St. East, north of Pawnee.

Financial Considerations: The existing Petition totals \$259,000 with \$111,350 assessed to the improvement district and \$147,650 paid by the Water Utility. The new Petition totals \$312,000 with \$134,150 paid by special assessments and \$177,850 paid by the Water Utility. The Utility share is for the cost of over sizing the waterline to serve future development outside the improvement district.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing public improvements required for a new residential development.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Recommendations/Actions: It is recommended that the City Council approve the new Petition, adopt the Resolution and authorize the necessary signatures.

Attachments: Map, CIP Sheet, Petition and Resolution.

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90360 (EAST OF 143RD ST. EAST, NORTH OF PAWNEE)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90360 (EAST OF 143RD ST. EAST, EAST OF PAWNEE)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **08-053** adopted on **February 5, 2008** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Water Distribution System Number 448-90360 (east of 143rd St. East, east of Pawnee)**.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be **Three Hundred Twelve Thousand Dollars (\$312,000)** exclusive of the cost of interest on borrowed money, with **43** percent of the total cost payable by the improvement district and **57** percent payable by the City of Wichita Department of Water and Sewer. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **January 1, 2008**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

CAMBRIA ADDITION

Lots 1 through 9, Block 1
Lots 1 through 7, Block 2
Lots 1 through 9, Block 3
Lots 1 through 15, Block 4

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 9, Block 1; Lots 1 through 7, Block 2; Lots 1 through 9, Block 3; and Lots 1 through 15, Block 4, CAMBRIA ADDITION, shall each pay 1/40 of the total cost of the improvement.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

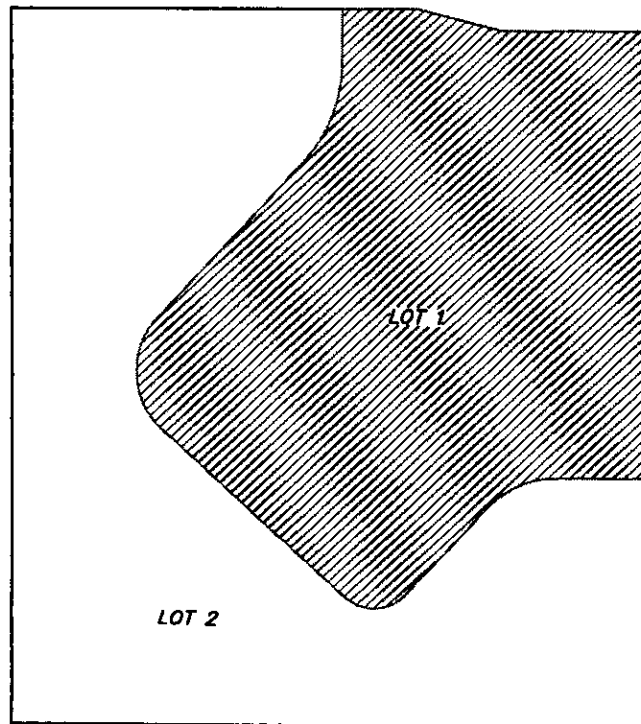
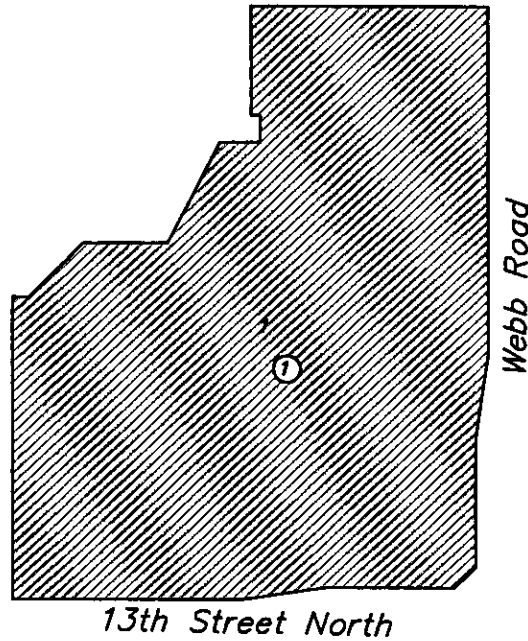
PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____,
2008

CARL BREWER, MAYOR

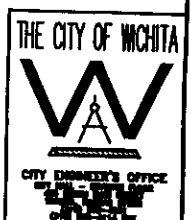
ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)

FOLIAGE CENTER ADDITION COUNTRY CLUB PARK ADDITION



BENEFIT DISTRICT 
(ACTUAL ALIGNMENT TO BE
DETERMINED BY DESIGN ENGINEER)



CAPITAL IMPROVEMENT PROJECT AUTHORIZATION CITY OF WICHITA				
<div style="display: flex; justify-content: space-between;"> <div> <p>USE:</p> <p>To Initiate Project X</p> <p>To Revise Project </p> </div> <div> <ol style="list-style-type: none"> 1. Prepare in triplicate 2. Send original & 2 copies to budget. 3. City Manager to sign all copies. 4. File original w/ initiating resolution in City Clerk. 5. Return 2nd copy to initiating department. 6. Send 3rd copy to Controller. </div> </div>				
1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 5/28/2008	4. Project Description & Location Pave 13th St left turn lane for Follage Center and Country Club Park Additions	
5. CIP Project Number NI-200424	6. Accounting Number	7. CIP Project Date (Year) 2008	8. Approved by WCC Date	
9. Estimated Start Date	10. Estimated Completion Date		11. Project Revised	
As Required	As Required			
12. Project Cost Estimate				
ITEM	GO	SA	OTHER *	TOTAL
Right of Way				
Paving		\$185,000		\$185,000
Bridge & Culverts				
Drainage				
Sanitary Sewer				
Sidewalk				
Water				
Street Lights				
Totals		\$185,000		\$185,000
Total CIP Amount Budgeted				
Total Prelim. Estimate				
13. Recommendation: Approve the Petition and Adopt the resolution				
<div style="display: flex; justify-content: space-between;"> <div> <p>Division Head</p> <p><i>Stanley J. ...</i></p> <p>for Urban Renewal</p> <p>06/04/08</p> </div> <div> <p>Department Head</p> <p><i>Ed M. ...</i></p> </div> <div> <p>Budget Officer</p> <p><i>William D. Hill</i></p> </div> <div> <p>City Manager</p> <p>Date</p> </div> </div>				

CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project
To Revise Project

X

1. Prepare in triplicate
2. Send original & 2 copies to budget.
3. City Manager to sign all copies.
4. File original w/ initiating resolution in City Clerk.
5. Return 2nd copy to initiating department.
6. Send 3rd copy to Controller.

1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 5/28/2008	4. Project Description & Location Pave Webb left turn lane for Foliage Center Addition
5. CIP Project Number NI-200424	6. Accounting Number	7. CIP Project Date (Year) 2008	8. Approved by WCC Date
9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised	
As Required	As Required		
12. Project Cost Estimate			
ITEM	GO	SA	OTHER * TOTAL
Right of Way			
Paving		\$170,000	\$170,000
Bridge & Culverts			
Drainage			
Sanitary Sewer			
Sidewalk			
Water			
Street Lights			
Totals		\$170,000	\$170,000
Total CIP Amount Budgeted			
Total Prelim. Estimate			
13. Recommendation: Approve the Petition and Adopt the resolution			

Platting Required	Yes	No
Lot Split	X	
Petition	X	
Ordered by WCC		

Remarks:
100% Petition
472-84689

Division Head Gary Jan for Jim Aronow 06/04/08	Department Head Joseph T. Papp	Budget Officer Catherine O'Hall	City Manager
Date	Date	Date	Date

PAVING PETITION - REVISED
LEFT TURN LANE - 13TH STREET

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

FOLIAGE CENTER ADDITION

Lot 1, Block 1;

468-34688

COUNTRY CLUB PARK ADDITION

Lot 1, Block 1;

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed a left turn lane on 13th Street for eastbound traffic into a major entrance to serve the area described above. That said turn lane be constructed with plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the foregoing improvement is One Hundred Eighty Five Thousand Dollars (\$185,000.00) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata rate of 1 percent per month from and after February 1, 2008.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis. The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value:

Lot 1, Block 1; Foliage Center Addition shall pay 853/1000 of the total cost payable by the improvement district, and Lot 1, Block 1, Country Club Park Addition shall pay 147/1000 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

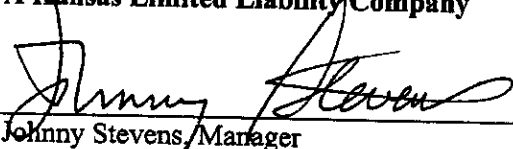
2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature in order to form one public improvement project.

3. The petition is submitted pursuant to subsection (c) of K.S.A. 12-6a04, and amendments thereto and as owners of 100% of the properties proposed to be included in the improvement district, we acknowledge that the proposed improvement district does not include all properties which may be deemed to benefit from the proposed improvement.

4. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.

5. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
<u>FOLIAGE CENTER ADDITION</u> Lot 1, Block 1; Foliage Center Addition, an addition to Wichita, Sedgwick County, Kansas.	BEECH LAKE INVESTMENT, LLC, A Kansas Limited Liability Company By:  Johnny Stevens, Manager	
<u>COUNTRY CLUB PARK ADDITION</u> Lot 1, Block 1; Country Club Park Addition, an addition to Wichita, Sedgwick County, Kansas.	COUNTRY CLUB PARK, INC. By: _____	

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
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FOLIAGE CENTER ADDITION

Lot 1, Block 1; Foliage Center Addition, an addition to Wichita, Sedgwick County, Kansas.

**BEECH LAKE INVESTMENT, LLC,
A Kansas Limited Liability Company**

By: _____

Johnny Stevens, Manager

COUNTRY CLUB PARK ADDITION

Lot 1, Block 1; Country Club Park Addition, an addition to Wichita, Sedgwick County, Kansas.

COUNTRY CLUB PARK, INC.

By: _____

Thomas M. Mack
Thomas M. Mack
Vice President

6/10/08

AFFIDAVIT

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presences of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

MKEC Engineering Consultants, Inc.
Company

Rachel A. Sanders
Authorized Signature

411 N. Webb Road

Wichita, Kansas
Address

316-684-9600
Telephone

Sworn to and subscribed before me this 6th day of June 20 08.

[Signature]
Deputy City Clerk



CITY CLERK OFFICE

PAVING PETITION - REVISED
LEFT TURN LANE - WEBB ROAD

CITY CLERK OFFICE

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

FOLIAGE CENTER ADDITION

Lot 1, Block 1;

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed a left turn lane on Webb Road for northbound traffic into major entrances to serve the area described above. That said turn lane be constructed with plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the foregoing improvement is One Hundred Seventy Thousand Dollars (\$170,000.00) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata rate of 1 percent per month from and after February 1, 2008.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the

improvement district shall be liable shall be on a fractional basis. The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value:

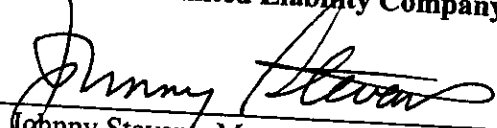
Lot 1, Block 1; Foliage Center Addition shall pay 100% of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature in order to form one public improvement project.
3. The petition is submitted pursuant to subsection (c) of K.S.A. 12-6a04, and amendments thereto and as owners of 100% of the properties proposed to be included in the improvement district, we acknowledge that the proposed improvement district does not include all properties which may be deemed to benefit from the proposed improvement.
4. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.
5. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
<u>FOLIAGE CENTER ADDITION</u> Lot 1, Block 1; Foliage Center Addition, an addition to Wichita, Sedgwick County, Kansas.	BEECH LAKE INVESTMENT, LLC, A Kansas Limited Liability Company By:  Johnny Stevens, Manager	

AFFIDAVIT

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presences of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

MKEC Engineering Consultants, Inc.
Company

Rachel A. Sanders
Authorized Signature

411 N. Webb Road

Wichita, Kansas
Address

316-684-9600
Telephone

Sworn to and subscribed before me this 6th day of June, 20 08.

[Signature]
Deputy City Clerk



City of Wichita
City Council Meeting
June 24, 2008

TO: Mayor and City Council Members

SUBJECT: Petitions to construct 13th Street and Webb Road Left Turn Lanes to serve Foliage Center and Country Club Park Additions (at 13th, west of Webb) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petitions.

Background: On April 8, 2008, the City Council approved Petitions to construct Webb Road and 13th Street left turn lanes for Foliage Center and Country Club Park Additions. Based on current bid prices, the Petitions do not have sufficient funding to award construction contracts. The developers have submitted new Petitions with increased budgets. The Petitions have been signed by two owners representing 100% of the improvement districts.

Analysis: The projects will provide paving improvements for new commercial development at 13th Street, west of Webb.

Financial Considerations: The existing Petitions total \$235,000. The new petitions total \$355,000. The funding source is special assessments.

Goal Impact: These projects address the Efficient Infrastructure goal by providing for the construction of paving improvements for new development.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Recommendations/Actions: It is recommended that the City Council approve the new Petitions, adopt the Resolutions and authorize the necessary signatures.

Attachments: Map, CIP, Petition and Resolution.

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING A **LEFT TURN LANE ON 13TH STREET FOR EASTBOUND TRAFFIC INTO A MAJOR ENTRANCE (NORTH OF 13TH, WEST OF WEBB) 472-84688** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING A **LEFT TURN LANE ON 13TH STREET FOR EASTBOUND TRAFFIC INTO A MAJOR ENTRANCE (NORTH OF 13TH, WEST OF WEBB) 472-84688** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **08-119** adopted on **February 26, 2008** and Resolution No. **08-193** adopted on **April 8, 2008** are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize constructing a **left turn lane on 13th Street for eastbound traffic into a major entrance (north of 13th, west of Webb) 472-84688**.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to **One Hundred Eighty-Five Thousand Dollars (\$185,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **February 1, 2008** exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

FOLIAGE CENTER ADDITION

Lot 1, Block 1

COUNTRY CLUB PARK ADDITION

Lot 1, Block 1

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lot 1, Block 1, FOLIAGE CENTER ADDITION shall pay 81/100 of the total cost payable by the improvement district; Lot 1, Block 1, COUNTRY CLUB PARK ADDITION shall pay 19/100 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9 Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING A **LEFT TURN LANE ON WEBB ROAD FOR NORTHBOUND TRAFFIC INTO MAJOR ENTRANCES (NORTH OF 13TH, WEST OF WEBB) 472-84689** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING A **LEFT TURN LANE ON WEBB ROAD FOR NORTHBOUND TRAFFIC INTO MAJOR ENTRANCES (NORTH OF 13TH, WEST OF WEBB) 472-84689** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **08-120** adopted on **February 26, 2008** and Resolution No. **08-194** adopted on **April 8, 2008** are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize constructing a **left turn lane on Webb road for northbound traffic into major entrances (north of 13th, west of Webb) 472-84689.**

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to **One Hundred Seventy Thousand Dollars (\$170,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **February 1, 2008** exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

FOLIAGE CENTER ADDITION

Lot 1, Block 1

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lot 1, Block 1, FOLIAGE CENTER ADDITION shall pay 100% of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2008.

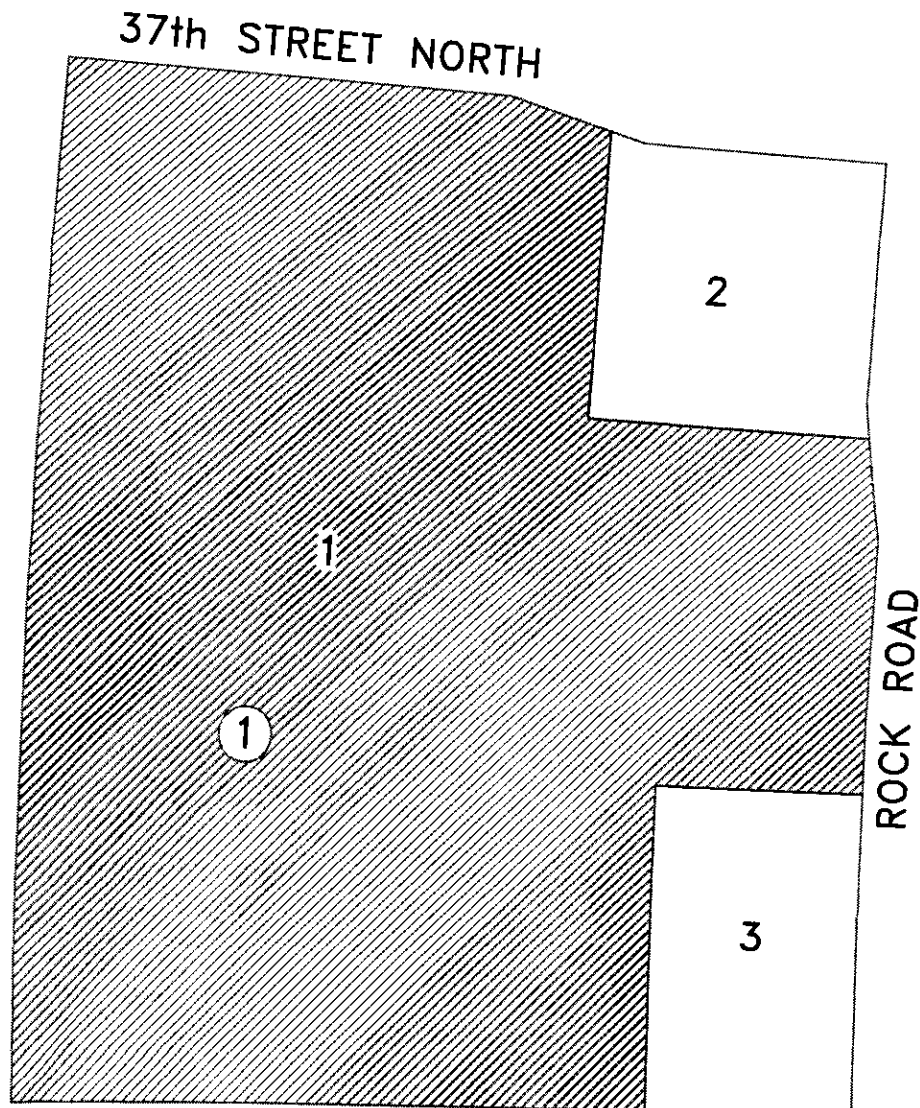
CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

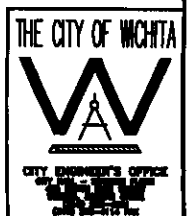
KILLARNEY PLAZA FIRST ADDITION



BENEFIT DISTRICT



(ACTUAL ALIGNMENT TO BE
DETERMINED BY DESIGN ENGINEER)



CAPITAL IMPROVEMENT				
PROJECT AUTHORIZATION				
CITY OF WICHITA				
<div style="display: flex; justify-content: space-between;"> <div> <p>USE:</p> <p>To Initiate Project <input checked="" type="checkbox"/></p> <p>To Revise Project <input type="checkbox"/></p> </div> <div> <p>1. Prepare in triplicate</p> <p>3. City Manager to sign all copies.</p> <p>4. File original w/ initiating resolution in City Clerk.</p> <p>5. Return 2nd copy to initiating department.</p> <p>6. Send 3rd copy to Controller.</p> </div> </div>				
1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 6/3/2008	4. Project Description & Location Water Distribution System for Lot 1, Block 1, Killamey Plaza 1st Addn	
5. CIP Project Number NI-200424	6. Accounting Number	7. CIP Project Date (Year) 2008	8. Approved by WCC Date	
9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised		
As Required				
12. Project Cost Estimate				
ITEM	GO	SA	OTHER *	TOTAL
Right of Way				
Paving, grading & const.				
Bridge & Culverts				
Drainage				
Sanitary Sewer				
Sidewalk				
Water		\$25,000		\$25,000
Other				
Totals		\$25,000		\$25,000
Total CIP Amount Budgeted				
Total Prelim. Estimate				
13. Recommendation: Approve the Petition and adopt the Resolution				
Division Head <i>David J. Jones</i> Smd Remova 06/04/08		Department Head <i>John M. Ca.</i>		Budget Officer <i>Anthony D. Hill</i>
				City Manager _____
				Date

RECEIVED

MAY 30 '08

\$

WATER DISTRIBUTION SYSTEM PETITION

CITY CLERK OFFICE

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of
Lots, Parcels, and Tracts of real property described as follows:

448-90395

Parcel A

A portion of Lot 1, Block 1 Killarney Plaza First Addition, an Addition to
Wichita, Sedgwick County, Kansas described as commencing at the north
common corner to Lots 1 and 2 in said Block 1; thence N76°39'38"W, along the
north line of said Lot 1, 76.26 feet to a deflection point in the north line of said
Lot 1; thence S89°18'12"W along the north line of said Lot 1, 128.62 feet to the
point of beginning; thence S01°05'20"E, parallel with the west line of Lot 2 in
said Block 1, 287.55 feet; thence S89°18'12"W, parallel with the north line of
said Lot 1, 191.56 feet to a point on the west line of said Lot 1; thence
N01°05'20"W, along the west line of said Lot 1, 287.55 feet to the NW. corner of
said Lot 1; thence N89°18'12"E, along the north line of said Lot 1, 191.56 feet to
the point of beginning.

Parcel B

A portion of Lot 1, Block 1 Killarney Plaza First Addition, an Addition to
Wichita, Sedgwick County, Kansas described as commencing at the north
common corner to Lots 1 and 2 in said Block 1; thence N76°39'38"W, along the
north line of said Lot 1, 67.11 feet to the point of beginning; thence
S01°05'20"E, parallel with the west line of Lot 2 in said Block 1, 285.09 feet;
thence S89°18'12"W, parallel with the north line of said Lot 1, 138.44 feet;
thence N01°05'20"W, parallel with the west line of said Lot 1, 287.55 feet to a
point on the north line of said Lot 1; thence N89°18'12"E, along the north line
of said Lot 1, 128.62 feet to a deflection point in the north line of said Lot 1;
thence S76°39'38"E, along the north line of said Lot 1, 10.14 feet to the point of
beginning.

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as
amended, as follows:

(South of
57th St
North,
West of
Duck)

- (a) That there be constructed a water distribution system,
including necessary water mains, pipes, valves, hydrants,
meters and appurtenances to serve the area described above,
according to plans and specifications to be furnished by the
City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the foregoing
improvements being Twenty-Five Thousand Dollars
(\$25,000), with 100 percent payable by the improvement
district. Said estimated cost as above setforth may be

increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata rate of 1 percent per month from and after June 1, 2008.

- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement or which the improvement district shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Parcel "A" shall pay 55/95 of the total cost of the improvements and Parcel "B" shall pay 40/95 of the total cost of the improvements.

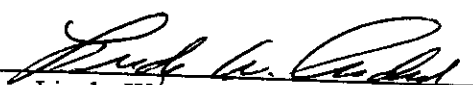
In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature in order to form one public improvement project.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

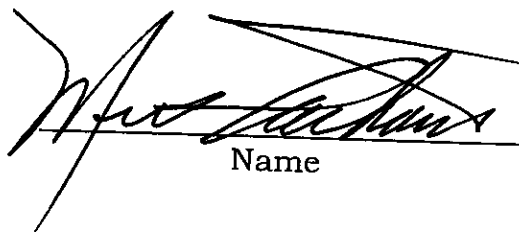
4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
<u>PARCEL 'A'</u> <u>PARCEL 'B'</u>	RAW, LLC By: Andeel Holdings, L.L.C., Manager	
	By:  Lindy W. Andeel, Member	5/27/08

AFFIDAVIT

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and the signatures thereon are the genuine signatures of the persons they support to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the resident owners whose signatures appears on the petition.

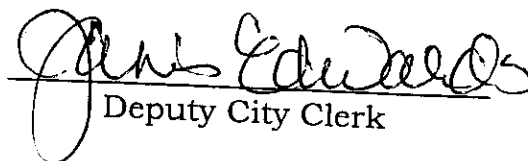

Name

Baughman Company, P.A.
315 Ellis, Wichita, KS 67211
Address

262-7271
Telephone No.

Sworn to and subscribed before me this 30 day of May
2008.




Deputy City Clerk

132019

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90395 (SOUTH OF 37TH ST. NORTH, WEST OF ROCK)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90395 (SOUTH OF 37TH ST. NORTH, WEST OF ROCK)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Water Distribution System Number 448-90395 (south of 37th St. North, west of Rock)**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Twenty-Five Thousand Dollars (\$25,000)** exclusive of the cost of interest on borrowed money, with **100** percent of the total cost payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **June 1, 2008**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

PARCEL A

A portion of Lot 1, Block 1 Killarney Plaza First Addition, an Addition to Wichita, Sedgwick County, Kansas described as commencing at the north common corner to Lots 1 and 2 in said Block 1; thence N76°39'38"W, along the north line of said Lot 1, 76.26 feet to a deflection point in the north line of said Lot 1; thence S89°18'12"W along the north line of said Lot 1, 128.62 feet to the point of beginning; thence S01°05'20"E, parallel with the west line of Lot 2 in said Block 1, 287.55 feet; thence S89°18'12"W, parallel with the north line of said Lot 1, 191.56 feet to a point on the west line of said Lot 1; thence N01°05'20"W, along the west line of said Lot 1, 287.55 feet to the NW. corner of said Lot 1; thence N89°18'12"E, along the north line of said Lot 1, 191.56 feet to the point of beginning.

PARCEL B

A portion of Lot 1, Block 1 Killarney Plaza First Addition, an Addition to Wichita, Sedgwick County, Kansas described as commencing at the north common corner to Lots 1 and 2 in said Block 1; thence N76°39'38"W, along the north line of said Lot 1, 67.11 feet to the point of beginning; thence S01°05'20"E, parallel with the west line of Lot 2 in said Block 1, 285.09 feet; thence S89°18'12"W, parallel with the north line of said Lot 1, 138.44 feet; thence N01°05'20"W, parallel with the west line of said Lot 1, 287.55 feet to a point on the north line of said Lot 1; thence N89°18'12"E, along the north line of said Lot 1, 128.62 feet to a deflection point in the north line of said Lot 1; thence S76°39'38"E, along the north line of said Lot 1, 10.14 feet to the point of beginning.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: PARCEL "A" shall pay 55/95 of the total cost of the improvements and PARCEL "B" shall pay 40/95 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this ____ day of _____, 2008

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)

City of Wichita
City Council Meeting
June 24, 2008

TO: Mayor and City Council Members

SUBJECT: Petition for a Water Distribution System to serve part of Killarney Plaza 1st Addition (south of 37th St. North, west of Rock) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: The Petition has been signed by one owner representing 100% of the improvement district.

Analysis: The project will provide water service for a commercial development located south of 37th, west of Rock.

Financial Considerations: The Petition totals \$25,000. The funding source is special assessments.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing public improvements required for new commercial development.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution and authorize the necessary signatures.

Attachments: Map, CIP Sheet, Petition and Resolution

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90395 (SOUTH OF 37TH ST. NORTH, WEST OF ROCK)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90395 (SOUTH OF 37TH ST. NORTH, WEST OF ROCK)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Water Distribution System Number 448-90395 (south of 37th St. North, west of Rock).**

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Twenty-Five Thousand Dollars (\$25,000)** exclusive of the cost of interest on borrowed money, with **100** percent of the total cost payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **June 1, 2008**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

PARCEL A

A portion of Lot 1, Block 1 Killarney Plaza First Addition, an Addition to Wichita, Sedgwick County, Kansas described as commencing at the north common corner to Lots 1 and 2 in said Block 1; thence N76°39'38"W, along the north line of said Lot 1, 76.26 feet to a deflection point in the north line of said Lot 1; thence S89°18'12"W along the north line of said Lot 1, 128.62 feet to the point of beginning; thence S01°05'20"E, parallel with the west line of Lot 2 in said Block 1, 287.55 feet; thence S89°18'12"W, parallel with the north line of said Lot 1, 191.56 feet to a point on the west line of said Lot 1; thence N01°05'20"W, along the west line of said Lot 1, 287.55 feet to the NW. corner of said Lot 1; thence N89°18'12"E, along the north line of said Lot 1, 191.56 feet to the point of beginning.

PARCEL B

A portion of Lot 1, Block 1 Killarney Plaza First Addition, an Addition to Wichita, Sedgwick County, Kansas described as commencing at the north common corner to Lots 1 and 2 in said Block 1; thence N76°39'38"W, along the north line of said Lot 1, 67.11 feet to the point of beginning; thence S01°05'20"E, parallel with the west line of Lot 2 in said Block 1, 285.09 feet; thence S89°18'12"W, parallel with the north line of said Lot 1, 138.44 feet; thence N01°05'20"W, parallel with the west line of said Lot 1, 287.55 feet to a point on the north line of said Lot 1; thence N89°18'12"E, along the north line of said Lot 1, 128.62 feet to a deflection point in the north line of said Lot 1; thence S76°39'38"E, along the north line of said Lot 1, 10.14 feet to the point of beginning.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: PARCEL "A" shall pay 55/95 of the total cost of the improvements and PARCEL "B" shall pay 40/95 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners

of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2008

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)

**City of Wichita
City Council Meeting
June 24, 2008**

TO: Mayor and City Council
SUBJECT: Community Events (District IV)
INITIATED BY: Division of Arts & Cultural Services
AGENDA: Consent

Recommendation: Approve the request for street closures.

Background: In accordance with the Community Events Procedure, the event promoter Josh Robertson, Wichita Wingnuts is coordinating with City of Wichita Staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Celebrate 2007, July 4, 2008 Lawrence Dumont Stadium 9:00 am – 11:00 pm

§ McLean Boulevard, Douglas Avenue to Maple Street not including intersections.

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Financial Consideration: The event sponsor is responsible for all costs associated with the special event.

Goal Impact: Enhance the Quality of Life

Legal Consideration: None

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator.

**City of Wichita
City Council Meeting
June 24, 2008**

TO: Mayor and City Council Members

SUBJECT: Change Order: Traffic Signals at 34th & Woodlawn and 13th & Gatewood
(Districts I & II)

INITIATED BY: Department of Public Works

AGENDA: Consent

.....

Recommendation: Approve the Change Order.

Background: On February 5, 2008, the City Council approved a construction contract with Phillips Southern Electric, Inc. to install traffic signals at the intersections of 34th & Woodlawn and 13th & Gatewood. After the work began, it was determined that additional sidewalks and wheelchair ramps were needed to comply with the Americans with Disabilities Act.

Analysis: A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

Financial Considerations: The total cost of the additional work is \$16,029 with the total paid by General Obligation Bonds. The original contract amount is \$252,560. This Change Order represents 6.35% of the original contract amount.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving traffic flow.

Legal Considerations: The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Recommendation/Action: It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

Attachments: Change Order



PUBLIC WORKS-ENGINEERING

April 23, 2008
CHANGE ORDER

To: Phillips Southern Electric Co., Inc.

Project: 2006/2007 Traffic Signalization -
Phase I: Traffic Signal Installation at 34th &
Woodlawn and 13th & Gatewood.

Change Order No.: 1

Project No.: 472-84424

Purchase Order No.: 701451

OCA No.: 706956

CHARGE TO OCA No.: 706956

PPN: 206422

Please perform the following extra work at a cost not to exceed \$16,028.81

Additional work needs for sidewalks and wheelchair ramps around the new traffic signals.

ADD:

Remove & Replace 4" Sidewalk	718.00 sf. @ \$6.00 / sf. =	\$4,308.00
Construct Wheelchair Ramp w/DT	3 ea. @ \$1000.00 / ea. =	\$3,000.00
Remove & Replace Monolithic Edge Curb	16.00 lf. @ \$10.00 / lf. =	\$160.00
Remove & Replace Combined Curb & Gutter	19.00 lf. @ \$25.00 / lf. =	\$475.00
Remove Sidewalk	40.50 sf. @ \$3.00 / sf. =	\$121.50
Excavation & Backfill	1,937.75 sf. @ \$3.00 / sf. =	\$5,813.25
Prime Contractor Overhead, Bond, & Profit	1 LS @ \$2,151.06 =	<u>\$2,151.06</u>
	TOTAL =	16,028.81

CIP Budget Amount: \$1,050,000.00

Original Contract Amt.: \$252,560.00

Consultant: MKEC

Current CO Amt.: \$16,028.81

Total Exp. & Encum. To Date: \$832,281.73

Amt. of Previous CO's: \$0.00

CO Amount: \$16,028.81

Total of All CO's: \$16,028.81

Unencum. Bal. After CO: \$201,689.46

% of Orig. Contract / 25% Max.: 6.35%

Adjusted Contract Amt.: \$268,588.81

Recommended By:

Approved:

Lawrence Schaller, P.E.
Construction Engineer

Date

Jim Armour, P.E.
City Engineer

Date

Approved:

Approved:

Contractor

Date

Chris Carrier, P.E.
Director of Public Works

Date

Approved as to Form:

By Order of City Council:

Gary Rebenstorf
Director of Law

Date

Carl Brewer,
Mayor

Date

Attest:

City Clerk

**City of Wichita
City Council Meeting
June 24, 2008**

TO: Mayor and City Council Members

SUBJECT: Change Order: Gypsum Creek Improvement, from Hillside to the Wichita Drainage Canal (District III)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Change Order.

Background: On December 11, 2007, the City Council approved a construction contract with Dondlinger & Sons Construction Company for Gypsum Creek improvements. After the work began, it was determined that a trash gate was needed at a concrete box culvert to keep debris from entering the structure and blocking the operation of a sluice gate.

Analysis: A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

Financial Considerations: The total cost of the additional work is \$13,800 with the total paid by the Storm Water Utility. The original contract amount is \$1,184,747. This Change Order plus a previous change order represents 1.68% of the original contract amount.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving gypsum Creek Drainage.

Legal Considerations: The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Recommendation/Action: It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

Attachments: Change Order



April 23, 2008

PUBLIC WORKS-ENGINEERING

CHANGE ORDER

To: Dondlinger & Sons Construction Co., Inc.

Project: Gypsum Creek Channel Improvements
from Hillside to Wichita Drainage Canal.

Change Order No.: 2

Project No.: 468-82473

Purchase Order No.: 701445

OCA No.: 660803

CHARGE TO OCA No.: 660803

PPN: 866004

Please perform the following extra work at a cost not to exceed \$13,800.00

Provide a trash grate for the RCB to keep trees and other debris from interfering with the operation of the sluice gate.

ADD:

Trash Grate (per attached drawing)	1 LS. @ \$13,800.00 / LS. =	<u>\$13,800.00</u>
	TOTAL =	\$13,800.00

CIP Budget Amount: \$2,100,000.00	Original Contract Amt.: \$1,184,747.00
Consultant: Parsons Brinckerhoff Quade & Douglas, Inc.	Current CO Amt.: \$13,800.00
Total Exp. & Encum. To Date: \$1,442,349.24	Amt. of Previous CO's: \$6,052.00
CO Amount: \$13,800.00	Total of All CO's: \$19,852.00
Unencum. Bal. After CO: \$643,850.76	% of Orig. Contract / 25% Max.: 1.68%
	Adjusted Contract Amt.: \$1,204,599.00

Recommended By:

Approved:

Lawrence Schaller, P.E.
Construction Engineer

Date

Jim Armour, P.E.
City Engineer

Date

Approved:

Approved:

Contractor

Date

Chris Carrier, P.E.
Director of Public Works

Date

Approved as to Form:

By Order of City Council:

Gary Rebenstorf
Director of Law

Date

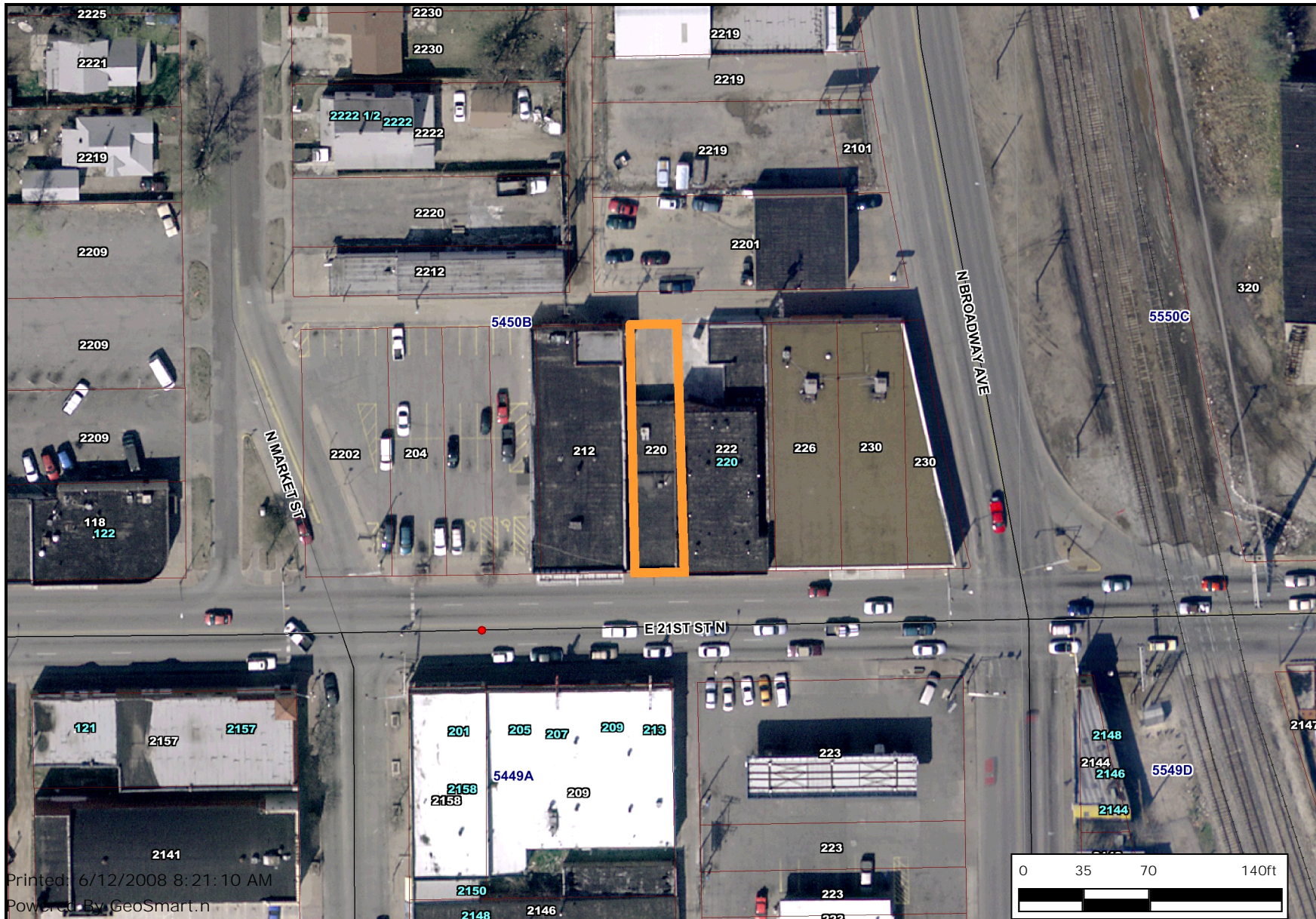
Carl Brewer.
Mayor

Date

Attest: _____
City Clerk



220 East 21st Street North



- Identified Features
- Selected Features
- Historic Districts
- Old Town Delano Overlay District
- NO
- YES
- Property Parcels
- Roads
 - State Highway
 - US Federal Highway
 - Interstate
 - KTA
 - Arterial
 - Collector
 - Minor
 - Ramp
- Railroads
- Quarter Section
- Waterways
- Streams
- Historic Sites
 - REGIONAL
 - STATE/NATIONAL
 - STATE
 - Historic Environs
- Parks
- Airports
- SDERASTER.S-DEDATA.ORTH-O

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Powered By: GeoSmart.n



Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT, Made and entered into this 27 day of May, 2008 by and between, Valerie K. Washington, a single person, hereinafter referred to as "Seller," whether one or more, and City of Wichita, Kansas, a Municipal Corporation, hereinafter referred to as "Buyer," whether one or more.

WITNESSETH: That for and in consideration of the mutual promises, covenants and payments hereinafter set out, the parties hereto do hereby contract to and with each other, as follows:

1. The Seller does hereby agree to sell and convey to the Buyer by a good and sufficient warranty deed for the following described real property, situated in Sedgwick County, Kansas, to wit:

Lot 8 and the west 1.28 feet of Lot 9, Steel and Swentzell's Highland 2nd Addition to the City of Wichita, Sedgwick County, Kansas.

2. The Buyer hereby agrees to purchase, and pay to the Seller, as consideration for the conveyance to him of the above described real property the sum of Sixty-Five Thousand Dollars and No Cents (\$65,000.00) in the manner following, to-wit: cash at closing.

3. A complete abstract of title certified to date, or a title insurance commitment to insure to the above described real property, showing a merchantable title vested in the seller, subject to easements and restrictions of record is required.

The Title Evidence shall be sent to City of Wichita, KS, Property Management Division for examination by the Buyer as promptly and expeditiously as possible, and it is understood and agreed that the Seller shall have a reasonable time after said Title Evidence has been examined in which to correct any defects in title.

Buyer will order title at its cost.

4. A duly executed copy of this Purchase Agreement shall be delivered to the parties hereto.

5. It is understood and agreed between the parties hereto that time is of the essence of this contract, and that this transaction shall be consummated on or before June 30, 2008.

6. The Seller further agrees to convey the above described premises and deliver possession of the same in the same condition as they now are, reasonable wear and tear excepted.

7. Possession to be given to Buyer on closing date.

8. In the event an Owners title insurance policy is furnished, the total cost of the commitment to insure and the title insurance policy will be paid 0% by seller and 100% by buyer. Buyer will pay 100% closing costs.

9. Site Assessment

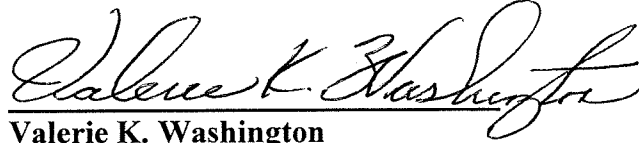
A. At any time prior to the closing of this agreement, the buyer shall have the right

to conduct or cause to be conducted, at Buyer's expense, an environmental site assessment and/or testing on the property. If an environmental audit or test reveals the presence of a hazardous substance or waste, as defined by federal or state law, or that there has been a spill or discharge of a hazardous substance or waste on the property, the buyer shall have the right to void this agreement upon notice to the seller, in which event neither party shall be under any further obligation to the other, with the exception that seller shall return to buyer any deposit made hereunder.

B. Provided, however, buyer shall in no event be obligated to close before the completion of a site assessment made pursuant to Paragraph A above. The buyer shall, if buyer determines a site assessment is necessary, exercise good faith in commencing and diligently completing such site assessment after this agreement is executed by all parties.

WITNESS OUR HANDS AND SEALS the day and year first above written.

SELLER:


Valerie K. Washington

BUYER:

By Direction of the City Council

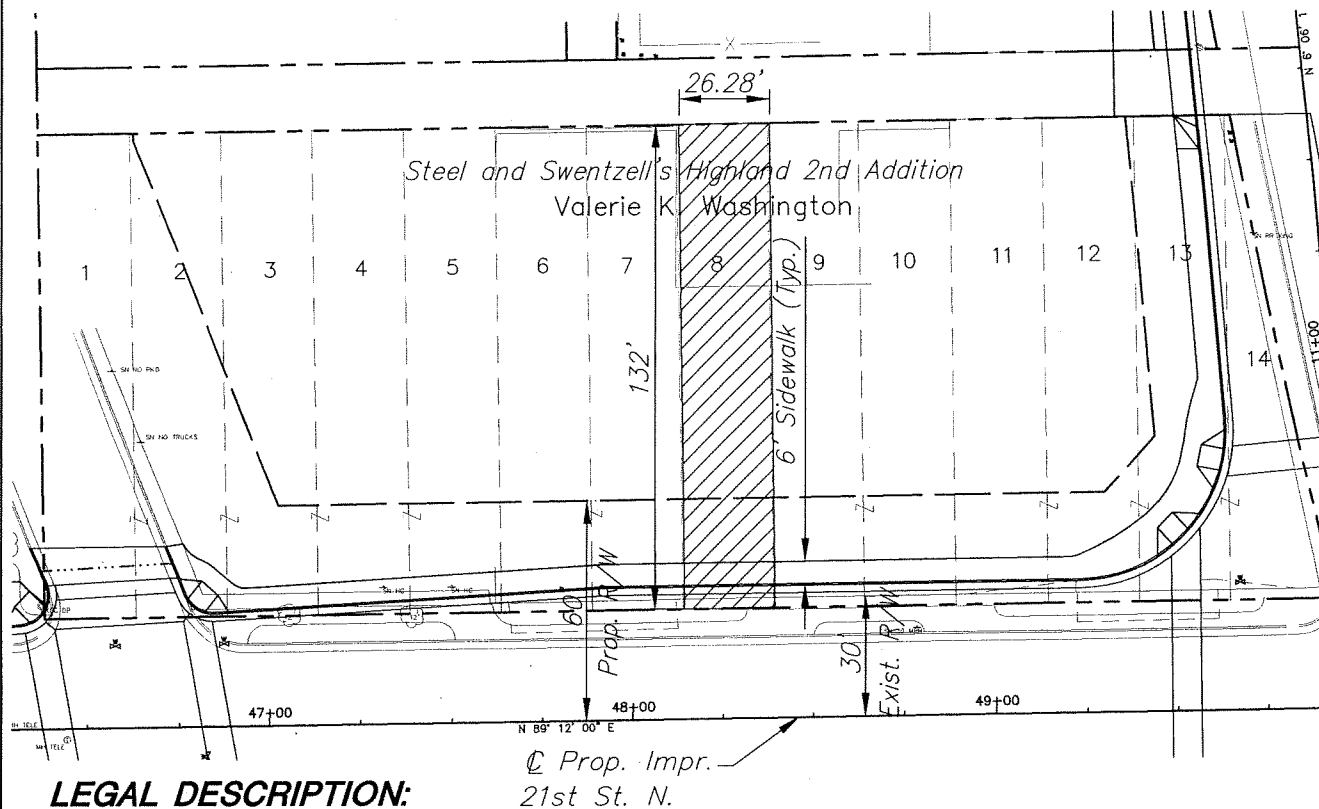
ATTEST:

Carl Brewer, Mayor

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law

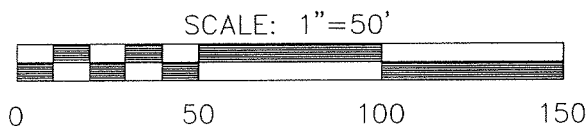


LEGAL DESCRIPTION:


Right of Way:

Lot 8 and the west 1.28 feet of Lot 9,
Steel and Swentzell's Highland 2nd Addition
to the City of Wichita, Sedgwick County,
Kansas.

Said parcel of land contains 3,469 square
feet, more or less.



LEGEND:

 Right of Way Take
= 3,469 Sq. Ft.

Owner:

Valerie K. Washington
220 E. 21st St. N.
Wichita, KS 67203

Property Identification:

A 2818

J:\Civil\06025\dwg\Tractmaps\06025-tract1.dwg 02/16/2007 01:40:50 PM CST



MKEC
ENGINEERING
CONSULTANTS
411 N. WEBB ROAD
WICHITA, KS. 67206
316 - 664 - 9600

**21ST STREET N. & BROADWAY AVENUE
INTERSECTION IMPROVEMENTS**

PROJECT NAME

RIGHT OF WAY TRACT MAP

SHEET TITLE

DESIGN BY:	JSB	CHECKED BY:	JCM
MAR. 2007		1 / 1	
DATE	JOB NO.	SHEET/OF	

9-27-07

TRACT 2

CITY OF WICHITA
City Council Meeting
June 24, 2008

TO: Mayor and City Council Members

SUBJECT: Acquisition of 220 East 21st Street for the Intersection Improvement Project at 21st and Broadway (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On September 11, 2007, the City Council approved the roadway intersection improvement of 21st and Broadway. The project will provide left turn lanes at all four approaches to the intersection, existing pavement will be replaced and the traffic signal system will be upgraded. The project requires the acquisition of seven properties in addition to three partial acquisitions. All of the properties are improved and zoned for commercial use. The acquisition of 220 East 21st consists of 2,125 square foot retail building on a 3,469 square foot site. The building is currently unoccupied.

Analysis: The proposed acquisition appraised for \$60,000, or \$28.23 per square foot. The owner declined the appraised offer but has agreed to accept \$65,000, or \$30.58 per square foot. City staff recommends accepting the counter value as it is reasonable and prudent.

Financial Considerations: The funding source for the project is General Obligation Bonds. A budget of \$86,000 is requested. This includes \$65,000 for acquisition, \$1,000 for closing costs and title insurance and \$20,000 for razing the subject property.

Goal Impact: The acquisition of this parcel is necessary to ensure efficient infrastructure by improving the traffic flow through a major transportation corridor.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Budget; 2) Approve the Real Estate Purchase Contract and 3) Authorize the necessary signatures.

Attachments: Tract map, aerial and real estate purchase agreement.

GROUP # 1

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **1312 N. Wabash** and legally described as: Lot 38 and 40, on Wabash Avenue, H.O. Burleigh's 3rd Addition to Wichita, Sedgwick County, Kansas., is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **August 5, 2008** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

Kurt A. Schroeder, Superintendent, Office of Central Inspection
City of Wichita

[illegible]

BE IT REMEMBERED, That on this _____ day of _____, 2008, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Kurt A. Schroeder, Superintendent of the Office of Central Inspection, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

Notary Public

My Appointment Expires:



TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: A one story frame dwelling about 70x25 feet in size. Vacant for at least 14 years, this structure has a cracking block foundation; cracking and shifting concrete block walls; cracking and shifting front and rear porches; and rotted and missing wood trim and framing members.

(b) Street Address: 1312 N. Wabash

(c) Owners:
Ivan Ray
Jennie V. Ray
933 N. Wabash
Wichita, KS 67214

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record:
Don Brace, County Clerk
Sedgwick County Courthouse
525 N. Main
Wichita, KS 67203

Chirs McElgunn, Attorney
301 N. Main #1600
Wichita, KS 67202

(g) Mortgage Holder(s): None

(h) Interested Parties:
State of Kansas SRS
230 E. William
Wichita, KS 67202

DATE: June 3, 2008

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 1312 N. Wabash

LEGAL DESCRIPTION: Lot 38 and 40, on Wabash Avenue, H.O. Burleigh's 3rd Addition to Wichita, Sedgwick County, Kansas.

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 70x25 feet in size. Vacant for at least 14 years, this structure has a cracking block foundation; cracking and shifting concrete block walls; cracking and shifting front and rear porches; and rotted and missing wood trim and framing members.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

PUBLISHED IN THE WICHITA EAGLE ON
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: LOT 38 AND 40, ON WABASH AVENUE, H.O. BURLEIGH'S 3RD ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS. KNOWN AS **1312 N. WABASH** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **24th day of June 2008**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.

That a hearing will be held on the **5th day of August 2008**, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at Lot 38 and 40, on Wabash Avenue, H.O. Burleigh's 3rd Addition to Wichita, Sedgwick County, Kansas., known as: 1312 N. Wabash, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one story frame dwelling about 70x25 feet in size. Vacant for at least 14 years, this structure has a cracking block foundation; cracking and shifting concrete block walls; cracking and shifting front and rear porches; and rotted and missing wood trim and framing members.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **24th day of June 2008**.

Carl Brewer, Mayor

(SEAL)

ATTEST: _____
Karen Sublett, City Clerk

GROUP # 2

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **2717 E. 10th N. (garage)** and legally described as: Lot 26, Fairmount Park Second, Wichita, Sedgwick County, Kansas., is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **August 5, 2008** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

Kurt A. Schroeder, Superintendent, Office of Central Inspection
City of Wichita

[illegible]

BE IT REMEMBERED, That on this _____ day of _____, 2008, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Kurt A. Schroeder, Superintendent of the Office of Central Inspection, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

Notary Public

My Appointment Expires:



TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: A one story frame accessory structure about 20x20 feet in size. This structure has a deteriorated roof; and rotted and missing soffit and fascia.

(b) Street Address: 2717 E. 10th N. (garage)

(d) Owners:
Darrell Adams
2717 E. 10th N.
Wichita, KS 67214

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record: None

(i) Mortgage Holder(s):
Regent Financial Group Inc.
1910 S. 72nd Steet #103
Omaha, NE 68124

(j) Interested Parties:
Chase Home Finance LLC
c/o Tricia M. Oldridge, South & Associates, P.C.
8621 E. 21st N. #170
Wichita, KS

Kansas REO Properties
11940 W. Central #118
Wichita, KS 67212

DATE: June 3, 2008

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 2717 E. 10th N. (garage)

LEGAL DESCRIPTION: Lot 26, Fairmount Park Second, Wichita, Sedgwick County, Kansas.

DESCRIPTION OF STRUCTURE: A one story frame accessory structure about 20x20 feet in size. This structure has a deteriorated roof; and rotted and missing soffits and fascia.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

PUBLISHED IN THE WICHITA EAGLE ON
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: LOT 26, FAIRMOUNT PARK SECOND, WICHITA, SEDGWICK COUNTY, KANSAS. KNOWN AS **2717 E. 10TH N. (GARAGE)** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **24th day of June 2008**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.

That a hearing will be held on the **5th day of August 2008**, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at Lot 26, Fairmount Park Second, Wichita, Sedgwick County, Kansas., known as: 2717 E. 10th N. (garage), may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is A one story frame accessory structure about 20x20 feet in size. This structure has a deteriorated roof; and rotted and missing soffit and fascia..

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **24th day of June 2008**.

Carl Brewer, Mayor

(SEAL)

ATTEST: _____
Karen Sublett, City Clerk

GROUP # 2

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **2676 S. Jewett** and legally described as: Lot 54, Block P, Planeview Subdivision No. 1, Sedgwick County, Kansas., is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **August 5, 2008** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

Kurt A. Schroeder, Superintendent, Office of Central Inspection
City of Wichita

[illegible]

BE IT REMEMBERED, That on this _____ day of _____, 2008, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Kurt A. Schroeder, Superintendent of the Office of Central Inspection, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

Notary Public

My Appointment Expires:



TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: A one story frame dwelling about 24x65 feet in size. Vacant and open, this structure has a shifting block foundation; rotted and missing asbestos siding; sagging composition roof, with holes; and rotted wood trim and framing members.

(b) Street Address: 2676 S. Jewett

(e) Owners:
Central Plains Development LLC
Attn: Robert A. Snyder
3620 E. Sunnybrook #A
Wichita, KS 67210

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record:
Don Brace, County Clerk
Sedgwick County Courthouse
525 N. Main
Wichita, KS 67203

Chris McElgunn, Attorney
301 N. Main #1600
Wichita, KS 67202

(k) Mortgage Holder(s):
Intrust Bank
105 N. Main
Wichita, KS 67202

(l) Interested Parties: None

DATE: June 3, 2008

CDM SUMMARY

COUNCIL DISTRICT # 3

ADDRESS: 2676 S. Jewett

LEGAL DESCRIPTION: Lot 54, Block P, Planeview Subdivision No. 1, Sedgwick County, Kansas.

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 24x65 feet in size. Vacant and open, this structure has a shifting block foundation; rotted and missing asbestos siding; sagging composition roof, with holes; and rotted wood trim and framing members.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.

D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

_____**PUBLISHED IN THE WICHITA EAGLE ON**_____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: LOT 54, BLOCK P, PLANEVIEW SUBDIVISION NO. 1, SEDGWICK COUNTY, KANSAS. KNOWN AS **2676 S. JEWETT** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **24th day of June 2008**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.

That a hearing will be held on the **5th day of August 2008**, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at Lot 54, Block P, Planeview Subdivision No. 1, Sedgwick County, Kansas., known as: 2676 S. Jewett, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is A one story frame dwelling about 24x65 feet in size. Vacant and open, this structure has a shifting block foundation; rotted and missing asbestos siding; sagging composition roof, with holes; and rotted wood trim and framing members..

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **24th day of June 2008**.

Carl Brewer, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

City of Wichita
City Council Meeting

June 24, 2008

TO: Mayor and City Council Members

SUBJECT: Repair or Removal of Dangerous & Unsafe Structures
(District I and III)

INITIATED BY: Office of Central Inspection

AGENDA: Consent

Recommendations: Adopt the attached resolutions to schedule the required City Council public hearings to consider condemnation of structures deemed dangerous and unsafe per Kansas State Statutes.

Background: On June 2, 2008, the Board of Code Standards and Appeals held a hearing on three (3) residential properties listed below. The buildings on all three (3) properties are considered dangerous and unsafe structures per State statutes and local ordinances, and are being presented in order to schedule a condemnation hearing before the City Council. The Board of Code Standards and Appeals has recommended that the City Council proceed with condemnation, demolition and removal of the dangerous buildings on all three (3) properties.

Analysis: Minimum Housing Code violation notices have been issued on these structures; however, compliance has not been achieved. Pre-condemnation and formal condemnation letters have also been issued, and the time granted for repair or removal has expired. No actions have been taken by the property owners and/or other interested parties to repair or remove these dangerous buildings.

<u>Property Address</u>	<u>Council District</u>
a. 1312 North Wabash	I
b. 2717 East 10 th North (garage)	I
c. 2676 South Jewett	III

Financial Considerations: Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

Goal Impact: On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

Legal Considerations: These structures have defects that under Ordinance No. 28-251 of the Code of the

City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings for condemnation consideration, as required by State Statutes.

Recommendations/Actions: Adopt the attached resolutions to schedule public hearings before the City Council on August 5, 2008 at 9:30 a.m. or as soon as possible thereafter, to consider condemnation of structures deemed dangerous and unsafe per Kansas State Statutes and local ordinances.

Attachments: Letters to Council, Summaries, and Resolutions.

CITY OF WICHITA
City Council Meeting
June 24, 2008

TO: Mayor and City Council Members

SUBJECT: Dedication of an Easement for Sanitary Sewer in the 100 Block of North St. Francis (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Accept the Easement.

Background: The Water and Sewer Utility has a project to replace an existing sanitary sewer line that serves the Mid-town area. The line will be primarily in the alley between St. Francis and Emporia from Central to Douglas. Near the south end, the sewer line will leave the alley and cross a City owned parcel diagonally to St. Francis. This placement is necessitated because of the location of several other utilities in the east/west alley.

Analysis: The subject parcel is currently utilized as public parking. Granting the easement will not impact this use.

Financial Considerations: There is not cost associated with this easement.

Goal Impact: This easement addresses the goal of ensuring efficient infrastructure by providing reliable sewer service.

Legal Considerations: The Law Department has approved the easement as to form.

Recommendation/Action: It is recommended that the City Council 1) Approve the Utility Easement and 2) Authorize the necessary signatures.

Attachments: Aerial map and Utility Easement.

GROUP # 1

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **1312 N. Wabash** and legally described as: Lot 38 and 40, on Wabash Avenue, H.O. Burleigh's 3rd Addition to Wichita, Sedgwick County, Kansas., is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **August 5, 2008** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

Kurt A. Schroeder, Superintendent, Office of Central Inspection
City of Wichita

[illegible]

BE IT REMEMBERED, That on this _____ day of _____, 2008, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Kurt A. Schroeder, Superintendent of the Office of Central Inspection, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

Notary Public

My Appointment Expires:



TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: A one story frame dwelling about 70x25 feet in size. Vacant for at least 14 years, this structure has a cracking block foundation; cracking and shifting concrete block walls; cracking and shifting front and rear porches; and rotted and missing wood trim and framing members.

(b) Street Address: 1312 N. Wabash

(c) Owners:
Ivan Ray
Jennie V. Ray
933 N. Wabash
Wichita, KS 67214

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record:
Don Brace, County Clerk
Sedgwick County Courthouse
525 N. Main
Wichita, KS 67203

Chirs McElgunn, Attorney
301 N. Main #1600
Wichita, KS 67202

(g) Mortgage Holder(s): None

(h) Interested Parties:
State of Kansas SRS
230 E. William
Wichita, KS 67202

DATE: June 3, 2008

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 1312 N. Wabash

LEGAL DESCRIPTION: Lot 38 and 40, on Wabash Avenue, H.O. Burleigh's 3rd Addition to Wichita, Sedgwick County, Kansas.

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 70x25 feet in size. Vacant for at least 14 years, this structure has a cracking block foundation; cracking and shifting concrete block walls; cracking and shifting front and rear porches; and rotted and missing wood trim and framing members.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

PUBLISHED IN THE WICHITA EAGLE ON
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: LOT 38 AND 40, ON WABASH AVENUE, H.O. BURLEIGH'S 3RD ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS. KNOWN AS **1312 N. WABASH** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **24th day of June 2008**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.

That a hearing will be held on the **5th day of August 2008**, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at Lot 38 and 40, on Wabash Avenue, H.O. Burleigh's 3rd Addition to Wichita, Sedgwick County, Kansas., known as: 1312 N. Wabash, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one story frame dwelling about 70x25 feet in size. Vacant for at least 14 years, this structure has a cracking block foundation; cracking and shifting concrete block walls; cracking and shifting front and rear porches; and rotted and missing wood trim and framing members.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **24th day of June 2008**.

Carl Brewer, Mayor

(SEAL)

ATTEST: _____
Karen Sublett, City Clerk

GROUP # 2

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **2717 E. 10th N. (garage)** and legally described as: Lot 26, Fairmount Park Second, Wichita, Sedgwick County, Kansas., is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **August 5, 2008** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

Kurt A. Schroeder, Superintendent, Office of Central Inspection
City of Wichita

[illegible]

BE IT REMEMBERED, That on this _____ day of _____, 2008, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Kurt A. Schroeder, Superintendent of the Office of Central Inspection, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

Notary Public

My Appointment Expires:



TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: A one story frame accessory structure about 20x20 feet in size. This structure has a deteriorated roof; and rotted and missing soffit and fascia.

(b) Street Address: 2717 E. 10th N. (garage)

(d) Owners:
Darrell Adams
2717 E. 10th N.
Wichita, KS 67214

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record: None

(i) Mortgage Holder(s):
Regent Financial Group Inc.
1910 S. 72nd Steet #103
Omaha, NE 68124

(j) Interested Parties:
Chase Home Finance LLC
c/o Tricia M. Oldridge, South & Associates, P.C.
8621 E. 21st N. #170
Wichita, KS

Kansas REO Properties
11940 W. Central #118
Wichita, KS 67212

DATE: June 3, 2008

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 2717 E. 10th N. (garage)

LEGAL DESCRIPTION: Lot 26, Fairmount Park Second, Wichita, Sedgwick County, Kansas.

DESCRIPTION OF STRUCTURE: A one story frame accessory structure about 20x20 feet in size. This structure has a deteriorated roof; and rotted and missing soffits and fascia.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

_____**PUBLISHED IN THE WICHITA EAGLE ON**_____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: LOT 26, FAIRMOUNT PARK SECOND, WICHITA, SEDGWICK COUNTY, KANSAS. KNOWN AS **2717 E. 10TH N. (GARAGE)** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **24th day of June 2008**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.

That a hearing will be held on the **5th day of August 2008**, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at Lot 26, Fairmount Park Second, Wichita, Sedgwick County, Kansas., known as: 2717 E. 10th N. (garage), may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is A one story frame accessory structure about 20x20 feet in size. This structure has a deteriorated roof; and rotted and missing soffit and fascia..

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **24th day of June 2008**.

Carl Brewer, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

GROUP # 2

NOTICE OF DEMOLITION ACTION

This is to certify that the property located at **2676 S. Jewett** and legally described as: Lot 54, Block P, Planeview Subdivision No. 1, Sedgwick County, Kansas., is the subject of a demolition action by the City of Wichita, Kansas, under the provisions of Section 18.16 of the Code of the City of Wichita. Unless certain improvements to the structure(s) located thereon are commenced and completed by **August 5, 2008** such structures are subject to being demolished and the costs associated therewith charged, as a lien, against the above-described real property.

Kurt A. Schroeder, Superintendent, Office of Central Inspection
City of Wichita

[illegible]

BE IT REMEMBERED, That on this _____ day of _____, 2008, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Kurt A. Schroeder, Superintendent of the Office of Central Inspection, City of Wichita, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year last above written.

Notary Public

My Appointment Expires:



TO: The Mayor and City Council
Wichita, Kansas

RE: Statement of Dangerous or Unsafe Structure

The following described structure is in a dangerous or unsafe condition:

(a) Description of Structure: A one story frame dwelling about 24x65 feet in size. Vacant and open, this structure has a shifting block foundation; rotted and missing asbestos siding; sagging composition roof, with holes; and rotted wood trim and framing members.

(b) Street Address: 2676 S. Jewett

(e) Owners:
Central Plains Development LLC
Attn: Robert A. Snyder
3620 E. Sunnybrook #A
Wichita, KS 67210

(d) Resident Agent: None

(e) Occupant: None

(f) Lienholders of Record:
Don Brace, County Clerk
Sedgwick County Courthouse
525 N. Main
Wichita, KS 67203

Chris McElgunn, Attorney
301 N. Main #1600
Wichita, KS 67202

(k) Mortgage Holder(s):
Intrust Bank
105 N. Main
Wichita, KS 67202

(l) Interested Parties: None

DATE: June 3, 2008

CDM SUMMARY

COUNCIL DISTRICT # 3

ADDRESS: 2676 S. Jewett

LEGAL DESCRIPTION: Lot 54, Block P, Planeview Subdivision No. 1, Sedgwick County, Kansas.

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 24x65 feet in size. Vacant and open, this structure has a shifting block foundation; rotted and missing asbestos siding; sagging composition roof, with holes; and rotted wood trim and framing members.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.

D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

PUBLISHED IN THE WICHITA EAGLE ON _____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: LOT 54, BLOCK P, PLANEVIEW SUBDIVISION NO. 1, SEDGWICK COUNTY, KANSAS. KNOWN AS **2676 S. JEWETT** MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the **24th day of June 2008**, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.

That a hearing will be held on the **5th day of August 2008**, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at Lot 54, Block P, Planeview Subdivision No. 1, Sedgwick County, Kansas., known as: 2676 S. Jewett, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is A one story frame dwelling about 24x65 feet in size. Vacant and open, this structure has a shifting block foundation; rotted and missing asbestos siding; sagging composition roof, with holes; and rotted wood trim and framing members..

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this **24th day of June 2008**.

Carl Brewer, Mayor

(SEAL)

ATTEST: _____
Karen Sublett, City Clerk

City of Wichita
City Council Meeting
June 24, 2008

TO: Mayor and City Council

SUBJECT: Transfer of CIP Funds

INITIATED BY: Water Utilities

AGENDA: Consent

Recommendation: Approve the transfer of Capital Improvement Program funds.

Background: Each year the City Council authorizes Water Utilities Capital Improvement Program expenditures for:

- reconstructing old sanitary sewers (S-4)
- installing sewer mains for future development (S-5)
- installing water mains to meet the needs of current development (W-65)
- replacing old water mains (W-67)

Subprojects are defined and identified as necessary, or as development is taking place. When the subproject is defined, the cost is estimated and a budget is set up using funds from the appropriate CIP project. When the subproject has been completed, the remaining budget is transferred to the main project, available to be used for other subprojects initiated in that same year. Not all projects can be completed in one fiscal year; therefore, not all of the funds approved are able to be spent during the year for which they were approved.

Analysis: In order to be very clear on spending and bonding authority for projects not completed in one fiscal year and for funds remaining when subprojects are completed in a subsequent fiscal year, Staff is requesting authorization to transfer 2007 funds remaining in S-4, S-5, W-65 and W-67 to the current year budget, and to amend the bond resolutions for the current year. Most 2007 subprojects are now substantially complete and the 2007 projects will be closed. This process avoids the need to over budget for these projects in order to cover the estimated costs rather than the actual costs.

Financial Considerations: The following amounts were not used in 2007 and are needed in 2008.

- S-4 \$1,608,500
- S-5 \$2,240,400
- W-65 \$79,700
- W-67 \$1,768,800

Transferring these funds will not increase CIP expenditures.

Goal Impact: As an internal perspective, this is an effective way for maintaining adequate cost accounting. To ensure efficient infrastructure, these projects will provide reliable, compliant and secure utilities.

Legal Considerations: City Council approval is required to transfer CIP budget authority.

Recommendations/Actions: It is recommended that the City Council: 1) approve the transfer of funds; 2) amend the CIP; 3) adopt the amended Resolutions; and 4) authorize the necessary signatures.

Attachments: Resolutions and Notices of Intent for each of the above-named CIPs.

RESOLUTION NO. 08-

A RESOLUTION AMENDING RESOLUTION NO. **07-735** PERTAINING TO THE **REPLACEMENT AND RELOCATION OF DISTRIBUTION WATER MAINS (W-67)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That Section 1 of Resolution No. **07-735** is hereby amended to read as follows:

“**SECTION 1.** It is hereby found and determined to be necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, **replacement and relocation of distribution water mains (W-67)** (called the “Project”). The total costs of the Project are estimated to be **\$6,768,800** exclusive of the cost of interest on borrowed money. Available and unencumbered funds of the Utility will be used to pay a portion of the costs of the Project.”

SECTION 2. That Section 3 of Resolution No. **07-735** is hereby amended to read as follows:

“**SECTION 3.** It is hereby found and determined to be necessary and advisable to issue revenue bonds of the City, in a total principal amount which shall not exceed be **six million seven hundred sixty-eight thousand eight hundred dollars (\$6,768,800) in 2008** exclusive of the cost of interest on borrowed money, under the authority of the Act, to pay certain costs of the Project, and the expenses of issuing such revenue bonds. Such revenue bonds shall not be general obligations of the City payable from taxation, but shall be payable from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the Utility which will be available for that purpose.”

SECTION 3. That the original of Sections 1 and 3 of Resolution **07-735** is hereby rescinded.

Adopted at Wichita, Kansas, _____.

(Seal)

CARL BREWER, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

By _____
GARY E. REBENSTORF, Director of Law

RESOLUTION NO. 08-

A RESOLUTION AMENDING RESOLUTION NO. **07-736** PERTAINING TO THE **CONSTRUCTION OF WATER MAINS FOR FUTURE DEVELOPMENT (W-65)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That Section 1 of Resolution No. **07-736** is hereby amended to read as follows:

“SECTION 1. It is hereby found and determined to be necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, **construction of water mains for future development (W-65)** (called the “Project”). The total costs of the Project are estimated to be **\$3,079,700** exclusive of the cost of interest on borrowed money. Available and unencumbered funds of the Utility will be used to pay a portion of the costs of the Project.”

SECTION 2. That Section 3 of Resolution No. **07-736** is hereby amended to read as follows:

“SECTION 3. It is hereby found and determined to be necessary and advisable to issue revenue bonds of the City, in a total principal amount which shall not exceed be **three million seventy-nine thousand seven hundred dollars (\$3,079,700) in 2008** exclusive of the cost of interest on borrowed money, under the authority of the Act, to pay certain costs of the Project, and the expenses of issuing such revenue bonds. Such revenue bonds shall not be general obligations of the City payable from taxation, but shall be payable from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the Utility which will be available for that purpose.”

SECTION 3. That the original of Sections 1 and 3 of Resolution **07-736** is hereby rescinded.

Adopted at Wichita, Kansas, _____.

(Seal)

CARL BREWER, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

By _____
GARY E. REBENSTORF, Director of Law

RESOLUTION NO. 08-

A RESOLUTION AMENDING RESOLUTION NO. **07-738** PERTAINING TO THE **RECONSTRUCTION OF OLD SANITARY SEWERS (S-4)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That Section 1 of Resolution No. **07-738** is hereby amended to read as follows:

“SECTION 1. It is hereby found and determined to be necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, **reconstruction of old sanitary sewers (S-4)** (called the “Project”). The total costs of the Project are estimated to be **\$6,208,500** exclusive of the cost of interest on borrowed money. Available and unencumbered funds of the Utility will be used to pay a portion of the costs of the Project.”

SECTION 2. That Section 3 of Resolution No. **07-738** is hereby amended to read as follows:

“SECTION 3. It is hereby found and determined to be necessary and advisable to issue revenue bonds of the City, in a total principal amount which shall not exceed **six million two hundred eight thousand five hundred dollars (\$6,208,500)** exclusive of the cost of interest on borrowed money, under the authority of the Act, to pay certain costs of the Project, and the expenses of issuing such revenue bonds. Such revenue bonds shall not be general obligations of the City payable from taxation, but shall be payable from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the Utility which will be available for that purpose.”

SECTION 3. That the original of Sections 1 and 3 of Resolution **07-738** is hereby rescinded.

Adopted at Wichita, Kansas, _____.

(Seal)

CARL BREWER, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

By _____
GARY E. REBENSTORF, Director of Law

RESOLUTION NO. 08-

A RESOLUTION AMENDING RESOLUTION NO. **07-737** PERTAINING TO THE **CONSTRUCTION OF SEWER MAINS FOR FUTURE DEVELOPMENT (S-5)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That Section 1 of Resolution No. **07-737** is hereby amended to read as follows:

“SECTION 1. It is hereby found and determined to be necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, **construction of sewer mains for future development (S-5)** (called the “Project”). The total costs of the Project are estimated to be **\$7,240,400** exclusive of the cost of interest on borrowed money. Available and unencumbered funds of the Utility will be used to pay a portion of the costs of the Project.”

SECTION 2. That Section 3 of Resolution No. **07-737** is hereby amended to read as follows:

“SECTION 3. It is hereby found and determined to be necessary and advisable to issue revenue bonds of the City, in a total principal amount which shall not exceed **seven million two hundred forty thousand four hundred dollars (\$7,240,400)** exclusive of the cost of interest on borrowed money, under the authority of the Act, to pay certain costs of the Project, and the expenses of issuing such revenue bonds. Such revenue bonds shall not be general obligations of the City payable from taxation, but shall be payable from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the Utility which will be available for that purpose.”

SECTION 3. That the original of Sections 1 and 3 of Resolution **07-737** is hereby rescinded.

Adopted at Wichita, Kansas, _____.

(Seal)

CARL BREWER, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

By _____
GARY E. REBENSTORF, Director of Law

(Published in the Wichita Eagle, on _____, 2008.)

NOTICE OF INTENTION TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER UTILITIES OWNED AND OPERATED BY THE CITY OF WICHITA, KANSAS, AND TO ISSUE REVENUE BONDS, IN A TOTAL PRINCIPAL AMOUNT WHICH SHALL NOT EXCEED \$6,768,800, FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF.

TO: THE RESIDENTS OF THE CITY OF WICHITA, KANSAS

You and each of you are hereby notified that the Governing Body of the City of Wichita, Kansas, by Resolution No. 08-_____, duly adopted _____, 2008, has found and determined it to be necessary and declared its intention to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility which is owned and operated by the City, such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, replacement and relocation of water distribution lines (W-67) (called the "Project"). The total costs of the Project are estimated to be six million seven hundred sixty-eight thousand eight hundred dollars (\$6,768,800) in 2008. The making of the Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

You are hereby further notified that in order to provide financing for certain costs of the Project, the Governing Body has further found and determined it to be necessary and declared its intention to issue revenue bonds in a total principal amount which shall not exceed \$6,768,800 in 2008, under the authority of K.S.A. 10-1201 et seq., as amended and supplemented. Such revenue bonds shall not be general obligation bonds of the City payable from taxation, but shall be payable only from the revenues derived from the operations of the Water and Sewer Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the City which will be available for that purpose.

This Notice of Intent shall be published one time in the official newspaper of the City; and if, within Fifteen (15) days from and after the publication date hereof, there shall be filed in the Office of the City Clerk a written protest against the Project and the issuance of the revenue bonds, which protest is signed by not less than Twenty Percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the revenue bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If no sufficient protest to the Project and the issuance of the revenue bonds is filed within said Fifteen (15) day period, then the Governing Body shall have the authority to authorize and proceed with the Project and the issuance of the revenue bonds.

BY ORDER of the Governing Body of the City of Wichita, Kansas, on _____, 2008.

/s/ CARL BREWER, Mayor

ATTEST:

OCA: 635687

(Published in the Wichita Eagle, on _____, 2008.)

NOTICE OF INTENTION TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER UTILITIES OWNED AND OPERATED BY THE CITY OF WICHITA, KANSAS, AND TO ISSUE REVENUE BONDS, IN A TOTAL PRINCIPAL AMOUNT WHICH SHALL NOT EXCEED \$3,079,700, FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF.

TO: THE RESIDENTS OF THE CITY OF WICHITA, KANSAS

You and each of you are hereby notified that the Governing Body of the City of Wichita, Kansas, by Resolution No. 08-_____, duly adopted _____, 2008, has found and determined it to be necessary and declared its intention to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility which is owned and operated by the City, such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, construction of water mains for future development (W-65) (called the "Project"). The total costs of the Project are estimated to be three million seventy-nine thousand seven hundred dollars (\$3,079,700) in 2008. The making of the Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

You are hereby further notified that in order to provide financing for certain costs of the Project, the Governing Body has further found and determined it to be necessary and declared its intention to issue revenue bonds in a total principal amount which shall not exceed \$3,079,700 in 2008, under the authority of K.S.A. 10-1201 et seq., as amended and supplemented. Such revenue bonds shall not be general obligation bonds of the City payable from taxation, but shall be payable only from the revenues derived from the operations of the Water and Sewer Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the City which will be available for that purpose.

This Notice of Intent shall be published one time in the official newspaper of the City; and if, within Fifteen (15) days from and after the publication date hereof, there shall be filed in the Office of the City Clerk a written protest against the Project and the issuance of the revenue bonds, which protest is signed by not less than Twenty Percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the revenue bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If no sufficient protest to the Project and the issuance of the revenue bonds is filed within said Fifteen (15) day period, then the Governing Body shall have the authority to authorize and proceed with the Project and the issuance of the revenue bonds.

BY ORDER of the Governing Body of the City of Wichita, Kansas, on _____, 2008.

/s/ CARL BREWER, Mayor

ATTEST:

/s/ KAREN SUBLETT, City Clerk

OCA 620497

(Published in the Wichita Eagle, on _____, 2008.)

NOTICE OF INTENTION TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER UTILITIES OWNED AND OPERATED BY THE CITY OF WICHITA, KANSAS, AND TO ISSUE REVENUE BONDS, IN A TOTAL PRINCIPAL AMOUNT WHICH SHALL NOT EXCEED \$6,208,500, FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF.

TO: THE RESIDENTS OF THE CITY OF WICHITA, KANSAS

You and each of you are hereby notified that the Governing Body of the City of Wichita, Kansas, by Resolution No. 08-_____, duly adopted _____, 2008 has found and determined it to be necessary and declared its intention to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility which is owned and operated by the City, such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, reconstruction and relocation of old sanitary sewers (S-4) (called the "Project"). The total costs of the Project are estimated to be six million two hundred eight thousand five hundred dollars (\$6,208,500) in 2008. The making of the Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

You are hereby further notified that in order to provide financing for certain costs of the Project, the Governing Body has further found and determined it to be necessary and declared its intention to issue revenue bonds in a total principal amount which shall not exceed \$6,208,500 in 2008, under the authority of K.S.A. 10-1201 et seq., as amended and supplemented. Such revenue bonds shall not be general obligation bonds of the City payable from taxation, but shall be payable only from the revenues derived from the operations of the Water and Sewer Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the City which will be available for that purpose.

This Notice of Intent shall be published one time in the official newspaper of the City; and if, within Fifteen (15) days from and after the publication date hereof, there shall be filed in the Office of the City Clerk a written protest against the Project and the issuance of the revenue bonds, which protest is signed by not less than Twenty Percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the revenue bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If no sufficient protest to the Project and the issuance of the revenue bonds is filed within said Fifteen (15) day period, then the Governing Body shall have the authority to authorize and proceed with the Project and the issuance of the revenue bonds.

BY ORDER of the Governing Body of the City of Wichita, Kansas, on _____, 2008.

/s/ CARL BREWER, Mayor

ATTEST:

/s/ KAREN SUBLETT, City Clerk

OCA 622108

(Published in the Wichita Eagle, on _____, 2008)

NOTICE OF INTENTION TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER UTILITIES OWNED AND OPERATED BY THE CITY OF WICHITA, KANSAS, AND TO ISSUE REVENUE BONDS, IN A TOTAL PRINCIPAL AMOUNT WHICH SHALL NOT EXCEED \$7,240,400, FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF.

TO: THE RESIDENTS OF THE CITY OF WICHITA, KANSAS

You and each of you are hereby notified that the Governing Body of the City of Wichita, Kansas, by Resolution No. 08-_____, duly adopted _____, 2008, has found and determined it to be necessary and declared its intention to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility which is owned and operated by the City, such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, construction of sanitary sewer mains for future development (S-5) (called the "Project"). The total costs of the Project are estimated to be seven million two hundred forty thousand four hundred dollars (\$7,240,400) in 2008. The making of the Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

You are hereby further notified that in order to provide financing for certain costs of the Project, the Governing Body has further found and determined it to be necessary and declared its intention to issue revenue bonds in a total principal amount which shall not exceed \$7,240,400 million in 2008, under the authority of K.S.A. 10-1201 et seq., as amended and supplemented. Such revenue bonds shall not be general obligation bonds of the City payable from taxation, but shall be payable only from the revenues derived from the operations of the Water and Sewer Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the City which will be available for that purpose.

This Notice of Intent shall be published one time in the official newspaper of the City; and if, within Fifteen (15) days from and after the publication date hereof, there shall be filed in the Office of the City Clerk a written protest against the Project and the issuance of the revenue bonds, which protest is signed by not less than Twenty Percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the revenue bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If no sufficient protest to the Project and the issuance of the revenue bonds is filed within said Fifteen (15) day period, then the Governing Body shall have the authority to authorize and proceed with the Project and the issuance of the revenue bonds.

BY ORDER of the Governing Body of the City of Wichita, Kansas, on _____, 2008.

/s/ CARL BREWER, Mayor

ATTEST:

/s/ KAREN SUBLETT, City Clerk

**CITY OF WICHITA
City Council Meeting
June 24, 2008**

TO: Mayor and City Council Members

SUBJECT: Settlement of Litigation

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Authorize payment of \$190,000.00 as a full settlement of this case, plus the incurred mediation expenses.

Background: In December 2004, the plaintiff McGlory suffered various personal injuries incurred from a fall into the vault of an unsecured water meter.

Analysis: After proceeding through discovery, evaluating the extent of the claimed damages, and considering the risks of trial, it was determined that a resolution of this matter is appropriate. After mediation, the City has been offered an opportunity to resolve the action with a lump sum payment as full settlement of all claims arising out of this incident. No admission of liability is made by the City. The purpose of the settlement is to resolve a disputed claim.

Goal Impact: Payment of the negotiated sum will foster the goal of efficient infrastructure by bringing certainty and resolution to an outstanding system liability.

Financial Considerations: Funding for this settlement is from the tort claims fund.

Legal Considerations: The Law Department recommends acceptance of the offer of settlement.

Recommendations/Actions: Authorize payment of \$190,000.00 as a full settlement of the case plus the mediation expenses of \$1,893.00.

**City of Wichita
City Council Meeting
June 24, 2008**

TO: Mayor and City Council

SUBJECT: 2008 Amendment Self-Insurance Health Program-Summary Plan Description

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Approve the Amendment.

Background: On September 25, 2007, the City Council approved the Summary Plan Description and related legal documents to begin the provision of a Self-Insured health and prescription drug program effective January 1, 2008.

Analysis: A Plan Amendment is necessary to formally amend the existing Summary Plan Description as follows: Mental Health Vendor is updated to reflect MH Net Behavioral Health, an ASP subsidiary, as the new Mental Health Provider in the section:

ADDITIONAL INFORMATION. The addition of MHNET as the new Mental Health Provider shall be subject to the following terms and conditions.

MHNET agrees to the following terms/conditions:

- * Zero disruption for those currently in care (People who are currently accessing UBH benefits will remain with UBH provider until current treatment concludes with no change to benefit level).
- * MHNET will continue to aggressively develop the network. (City of Wichita shall be updated on a monthly basis of the progress of network development, should inpatient contract with provider not be signed, City of Wichita employees shall continue to receive in-network benefits at local in patient facilities.)
- * If the cost for the per contract agreements exceeds the normal reimbursement rate, the City and the Member shall not be balance billed for the amount. This cost shall be absorbed by MHNET.
- * Individual contracts will be issued, so those who have treated in the past can start with a former provider. (On a case-by-case basis individual contracts for continuing coverage shall be offered to members based upon location, or previous treatment.)
- * Per May 1 meeting take opportunity to have MHNET meet with DEER OAKS to work out the process for immediate approvals of referrals from City EAP provider to whatever counselor is deemed most appropriate in emergent and urgent care situations until the network is fully developed.

If the City Council approves Amendment 2008 MHN-3, the Amendment will be effective June 1, 2008. Both the Federal Government and USD #259 have already approved this change for their Coventry Self-Insured Health Plans.

Financial Considerations: Implementation of the 2008 MHN-3 is required by law and approval of the 2008 MHN-3 should be cost neutral.

Goal Impact: The employee health and prescription drug program is a part of the Internal Perspective goal. The City's strategic health care plan combines employee Wellness programs, self-insured health and Rx plans, disease management and nurse coaches to minimize future health insurance increases.

Legal Considerations: The Amendment has been reviewed and approved as to form by the City Attorney's Office.

Recommendation/Action: It is recommended that the City Council approve the 2008 Amendment to the Self-Insurance Health Program Summary Plan Description and authorize appropriate signatures.

Attachment:
Amendment Number 2008 MHN-3

PLAN AMENDMENT

Employer: City of Wichita

Effective Date: June 1, 2008

Plan Name: City of Wichita Group Health
Benefit Plan

Amendment Number: 2008 MHN - 3

In accordance with GENERAL PROVISION: Amendment or Termination, as specified in the Summary Plan Description, the Plan Document is hereby amended to read as follows:

As stated herein, benefits stated below shall be amended as follows.

Mental Health Vendor is updated to reflect MH Net Behavioral Health, an ASP subsidiary, in the section:

ADDITIONAL INFORMATION. The addition of MHNET as the new Mental Health Provider shall be subject to the following terms and conditions.

MHNet agrees to the following terms/conditions:

* Zero disruption for those currently in care (People who are currently accessing UBH benefits will remain with UBH provider until current treatment concludes with no change to benefit level).

* MN Net will continue to aggressively develop the network. (City of Wichita shall be updated on a monthly basis of the progress of network development, should inpatient contract with provider not be signed, City of Wichita employees shall continue to receive in-network benefits at local inpatient facilities.)

* If the cost for the per contract agreements exceeds the normal reimbursement rate, the City and the Member shall not be balance billed for the amount. This cost shall be absorbed by MHNet.

* Individual contracts will be issued, so those who have treated in the past can start with a former provider. (On a case-by-case basis individual contracts for continuing coverage shall be offered to members based upon location, or previous treatment.)

* Per May 1 meeting take opportunity to have MHNET meet with DEER OAKS to work out the process for immediate approvals of referrals from City EAP provider to whatever counselor is deemed most appropriate in emergent and urgent care situations until the network is fully developed.

Except as stated herein nothing other than the specified provisions in this document shall be deemed altered.

Accepted by:

Carl Brewer, Mayor, City of Wichita

Date

ATTEST: Karen Sublett, City Clerk

Date

Approved to Form: Gary E. Rebenstorf, Director of Law

Date

SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF WICHITA AND TRANSYSTEMS CORPORATION

THIS AMENDMENT is entered into this DATE by and between the City of Wichita, Kansas (hereinafter called the City) and TranSystems Corporation (hereinafter called Consultant).

WHEREAS, on the 24th day of January 2006, the above named entities were parties to a contract with the caption as above set out; and,

WHEREAS, the Consultant requires additional time to complete the Phase 2 scope of services attached as EXHIBIT A and will be adding a subconsultant, Kansas World Trade Center, to complete portions of the work and the City agrees that additional time and subconsultants are needed to properly complete the amended agreement and such other services as may become necessary; and,

WHEREAS, the above name parties now wish to modify and amend said contract for the purpose of amending the SCOPE OF SERVICES, extending the TIME OF PERFORMANCE, and adding PERSONNEL AND SERVICES:

NOW, THEREFORE, the above named parties hereby agree, covenant and contract that the terms of the original contract dated the 24th of January 2006, and the First Amendment to the contract dated February 28, 2007, are hereby reaffirmed and re-executed and on behalf of these parties, except for the following clarifications, amendments, modifications and changes:

SECTION 1. SCOPE OF SERVICES. The Consultant agrees to provide the various technical and professional services to perform the tasks outlined in Exhibit A of this Second Amendment.

SECTION 2. TIME OF PERFORMANCE. The services of Consultant are to commence as soon as practicable on the date of this contract, and shall be undertaken and completed in such sequence as to assure their expeditious completion no later than October 30, 2009, unless otherwise extended by the parties.

SECTION 17. PERSONNEL AND SERVICES. The CITY approves the addition of the Kansas World Trade Center as a subconsultant to TranSystems assigned to complete the work outlined and specified in Exhibit A of this Second Amendment.

IN WITNESS WHEREOF, the parties have caused this Amendment to be signed by their duly authorized officers, as of the date first above written.

THE CITY OF WICHITA

By: _____

Carl Brewer
Mayor

Date: _____

CONSULTANT

By: Paul Malir

Paul Malir, President
TranSystems Corporation

Date: 6/9/08

ATTEST:

Karen Sublett, City Clerk

Date: _____

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law
Gary Rebenstorf, Director of Law

Date: 06/08/08

Under the federal 2004 Consolidated Appropriations Act, the City of Wichita received funds to conduct "A Feasibility Study and Work Plan for the International Trade Processing Center, Wichita, Kansas." The initial work completed for the Wichita International Trade Processing Center Feasibility Study using these funds, resulted in the delivery of the "Wichita International Trade Study" (WITS) and the development of the IntelliPORT concept as a mechanism to leverage investment in infrastructure and look for opportunities to use technology to make international trade easier and more affordable. To take the concept and convert it into a working model or product to be used by business involved in international trade, six implementation strategies were included in the Study.

In the original scope of services, task items were included to locate facilities and provide concept designs but the initial study effort concluded that facilities were not feasible as an initial focus but the IntelliPORT concept should be put in place to help grow trade and eventually justify the investment in facilities. Since many of the original task items were not feasible, the initial phase of the project was completed under budget.

The Consultant Team proposes to complete the following amended scope of services to the Agreement dated January 24, 2006 for an International Trade Processing Center Feasibility Study as Phase 2: International Trade Study Work Plan. Phase 2 will be completed by October 30, 2009 with no increase to the existing contract not to exceed payment of \$908,325.00. TranSystems will continue as the lead consultant with SAIC and Bother & Bradley (B&B) for subconsultant services. TranSystems seeks approval to add the Kansas World Trade Center (KWTC) to the team for subconsultant services.

Description of Phase 2 Services

Phase 2 of this study will utilize the Implementation Strategies outlined in the WITS to provide the initial resources to get IntelliPORT operating with the ultimate goal of growing business by leveraging investment in infrastructure and using technology to make international trade easier and more affordable.

Task 1. Identify IntelliPORT Sponsor

The consultant team, existing Steering Committee, and City of Wichita will provide input on the creation of a Business Leader's Working Group of 8 to 10 members representing the business community and public partners. This Working Group will be established

- to bring a consistent voice from the business community on project development
- to identify an appropriate spokesperson from the business community to advocate for IntelliPORT
- to provide on-going feedback as the concept is developed into a product/delivered service

The consultant team will hold meetings with the Business Leader's Working Group

- to introduce IntelliPORT and provide background on the Wichita International Trade Study
- to establish the Working Group's goals and objectives
- to coordinate ongoing efforts to formalize a sponsor and carry out the implementation strategies
- to create a formalized business plan for IntelliPORT

101. The KWTC will coordinate the establishment of the Business Leader's Working Group including

- Soliciting candidate nominations from the existing Steering Committee, City of Wichita and the Consultant Team.
- Contact nominees to gauge their interest in participation.
- Finalize list of nominees for Business Leader's Working Group.
- Prepare, schedule and facilitate a meeting with City of Wichita representatives to formally appoint the Business Leader's Working Group.

102. TranSystems will consult with the KWTC in advance of the City of Wichita meeting to assist with the finalized list of Business Leader's Working Group members. TranSystems will attend and participate in the meeting with the City of Wichita.

103. The KWTC will coordinate, facilitate, schedule, develop materials/presentation, follow-up (meeting notes/minutes) and assume any room, food or equipment fees for eight (8) Business Leader's Working Group meetings during Phase 2. It is assumed that the meetings will last approximately 1.5 hours with the following topics (this list is tentative; topics may be modified as Phase 2 progresses):

1. Introduction to IntelliPORT (history, development and Phase 2 scope) and Business Leader's Working Group Goals and Objectives
2. Marketing Plan Discussion
3. Partnership Presentation Scheduling and Training
4. Launch of Pilot IntelliPORT Elements (Training and Education, Co-operative Services, Peer-to-Peer)
5. Mid-Point Update – Initial Measurement Discussion
6. Price Model and Funding Resources Discussion
7. IntelliPORT Operating Structure Discussion
8. Formal Website Launch and Year-End Measurement Review

The KWTC will provide intermittent email updates as needed between scheduled meetings.

104. TranSystems will attend and participate in all eight (8) meetings. Formal presentations by TranSystems staff are anticipated at four (4) meetings.

105. B&B will attend and participate in all eight (8) meetings. Formal presentations by B&B staff are anticipated at two (2) meetings.

Task 2. Create and Deploy a Marketing Plan

In order to adequately market the concept developed and move it to a product/delivered service, marketing outreach services need to be provided.

201. B&B will develop a definition for the product, specifically how services will be delivered for Training and Education, Co-operative Services and Peer-to-Peer exchange. The definition will be developed through meetings with technical experts, the Business Leader's Working Group and the internal team to answer the questions:

- What are the services?
- How are the services delivered?
- Why are they valuable to the consumer?

202. As part of developing the IntelliPORT business plan, B&B will develop a price model for:

- Underwriting/investment start up costs
- Membership
- Fee for Services (basic, premium, customized)

The model will be developed incorporating feedback from technical experts, the Business Leader's Working Group and the internal team during meetings and research efforts.

203. A key element of the marketing plan is coordination of the promotion of IntelliPORT. B&B will work to coordinate the promotion of IntelliPORT through

- Media Relations
- Business-to-Business Advertising
- Website development
- Identity

204. TranSystems will act as a member of the internal team and assist B&B during the development of the Marketing Plan. It is anticipated that the internal team will hold teleconferences on a limited basis to review key deliverables and assist in direction setting as required.

205. KWTC will act as a member of the internal team and assist B&B during the development of the Marketing Plan. It is anticipated that the internal team will hold teleconferences on a limited basis to review key deliverables and assist in direction setting as required.

Task 3. Further Develop IntelliPORT Elements

Training and Education

301. SAIC will develop a training curriculum specific to freight transportation technology and benefits. A training manual will be developed that includes:

- Introduction: This is a general section that could/would provide background for the training need. It could/would discuss briefly how the curriculum was developed in modules to be fully portable and adaptable to education and training environments in a wide variety of locations and situations. The delivery criterion provides flexibility in how the curriculum could/would be packaged or adapted based on the needs of the participating businesses, partnerships, LLCs, individuals, incorporated companies, or co-operative members.
- Synopsis: This section of the curriculum could/would define the instructional environment for course participants including structure and presentation methods and broadly define the intent of the training, materials needed and to be used, and what participants will do to accomplish the training.
- Design: This section could/would identify or describe the type of professionals who could/would benefit from the training.
- Cognitive Objective: This section could/would describe what the module will enable the participant to be able to do with the information once the training is completed.
- Objective(s): This section could/would identify the objectives the module is designed to accomplish to support the Cognitive Objective.
- Delivery: This section could/would define the number of standard training periods (60 minutes including a 10-minute break each period) that could/would be expected to complete the training and what the period(s) could/would entail – discussion, material review, presentation, etc., and method of delivery – online, classroom, in the field, at a business, etc.
- Participation Limitations: This section could/would define the maximum number of training participants for the module.
- Completion Certificates: This section could/would define the requirements for each participant in completing all work outlined in the module to be eligible to receive a certificate of training completion. The certificate will not imply that the participant receives any special credit or is registered in any way for course completion.
- Staff Requirements: This section could/would define the staff (profession or level of expertise) needed to present the module and any special requirements (i.e., language interpretation, sign language, etc).
- Facilities and Equipment: This section could/would identify the facility, audio/visual or computer equipment capabilities needed to support the participants, staff and training including any special requirements for the handicapped (hearing, sight or physically impaired).
- Teaching Aids: This section could/would identify instructional materials used to present the training including instructor notes, PowerPoint presentations, and any special requirements for the handicapped.
- References: This section could/would identify all published references used to develop the module.
- Author: This section could/would identify the module author by contact information.
- Revisions: This section could/would identify the last date the module was revised, what the revision was, who revised it, and the reason for the revision.
- Fees: Reasonable estimates of course fees will be developed. The price model developed in Task 2 will be referenced while developing the fee structure.

302. SAIC will develop a training curriculum specific to freight transportation technology and their benefits. Training presentation materials, instructor notes and student handouts will be developed for the following day-long course:

100 – Freight Transportation Technologies Overview and Benefits – 1 day

101: Background: Freight Operations Survey – 2 periods

- Intermodal containers and terminal operations
- Rail Operations
- Truck Operations
- Intermodal Exchanges

- 102: Freight Information Systems State of the Art – 1.5 periods
 - Electronic Data Interchange (EDI)
 - Commons Web Based Freight Logistics Applications
 - New Developments (XML messaging, Peer-to-Peer networks)
- 103: Vehicle and Equipment Tracking Technologies – 1 period
 - Automated Vehicle Location (AVL)
 - Trailer and Chassis Tracking (UTT, CargoMate)
- 104: Radio Frequency Identification (RFID) Technologies – 1.5 periods
 - Electronic Seals (E-seals)
 - Rail Automated Equipment Identifications (AEI)
 - Automated Vehicle Identification (AVI)
- 105: Electronic Manifest Technology – 1 period
 - Automated Commercial Environment (ACE): e-Manifest
 - Electronic Supply Chain Manifest (ESCM) Program

SAIC will not schedule or provide a training session as part of Phase 2. The curriculum would be reviewed by the Business Leader's Working Group and delivered to the sponsor that is identified so that the sponsor can host the training. The sponsor will assume all costs for hosting this training in the future including trainer fees.

303. KWTC will evaluate and provide comment on the freight transportation technology and benefits curriculum developed by SAIC based on local knowledge of audience and past research on effectiveness of training and education programs offered in the Wichita area.

304. KWTC will augment their existing international trade curriculum by developing 3 new courses and enhancing 3 existing courses. Training presentation materials, instructor notes and handouts will be developed for the following courses:

- Enhance existing courses by standardizing course infrastructure:
 - Classification (HTS/US & Schedule B)
 - Export Controls (EAR: Export Administration Regulations)
 - ITAR (International Traffic in Arms Regulations)
- Develop 3 new courses:
 - Free Trade Agreements (FTA): Benefits & Compliance
 - Importing Seminar
 - Basics of Global Compliance (import and export)

KWTC will not *necessarily* schedule or provide a training session as part of Phase 2. The curriculum would be reviewed by the Business Leader's Working Group and delivered to the sponsor that is identified so that the sponsor can host the training. The sponsor will assume all costs for hosting this training in the future including trainer fees.

Co-operative Services

305. To determine how IntelliPORT can facilitate improvement to the international supply chain of local companies, TranSystems will select eight (8) companies for a top down assessment of their current business activities and international supply chains. Companies should meet the following selection criteria:

- \$5 to \$50 million of revenue
- Headquarters/Main operations in greater Wichita area
- Sourcing from or exporting to at least two different regions internationally
- Looking to improve efficiency of the supply chain

306. TranSystems approach for this work will encompass four steps:

- Interviews: In-person interviews with key company personnel using an interview guide focused on business strategy, expansion plans, products, order, shipments, customers, trade lanes, carriers, service providers, etc.

- **Data Assessment:** Review of the day-to-day reports and IT systems used by the company in management of the international supply chain. It would be beneficial to receive as many of these reports as possible prior to the interviews.
- **Service Contracts Review:** Review existing service agreements and standard operating procedures of current providers (international shipping lines, 3PL warehouses, etc.) to determine whether they are reasonable and are consistent with industry norms.
- **Summary Report:** Each company will receive its own customized confidential report describing findings and conclusions, including a Strengths, Opportunities, Weaknesses, Threats (SWOT) assessment of its international supply chain.

307. KWTC will assist in identifying companies that meet the selection criteria listed in Task 305.

308. TranSystems will provide a Logistics Strategy summary report describing the challenges facing the companies and the role of IntelliPORT in providing solutions.

309. TranSystems will develop a Trade and Transportation Resource Database of service providers in up to four (4) areas that are vital to the international trade processing and transportation system (i.e., freight forwarders, brokers, load matching services, carriers, etc.). Up to twenty (20) service providers will be listed in each area. This database will likely be added to a website created for IntelliPORT so that members or subscribers can easily access this information.

Peer-to-Peer Exchange

310. KWTC will facilitate activities that will work to build a peer network for transportation and trade professionals to share knowledge and learn about this field. The activities will include up to ten (10) one-on-one meetings to identify subject matter experts or potential mentors to serve in an active role on the exchange.

311. KWTC will identify existing peer organizations or professional societies to be listed on the website to provide awareness of other methods of building peer relationships in the area of trade and transportation.

NOTE: The initial format of the exchange will likely take form on a website developed through the marketing efforts in Task 2. The website elements will include developing a chat forum or Q&A posting abilities but that is covered in B&B's Task 2 scope and fee.

Task 4. Identify Funding Resources

401. TranSystems and KWTC will use the pricing model developed as part of the marketing plan, to identify funding sources to offset the costs of operating IntelliPORT as it is fully launched upon completion of Phase 2. Sources of funding to be investigated include:

- Federal, State and Local grants or loans
- Membership fees or subscription costs

402. TranSystems and KWTC will jointly develop Grant materials (purpose and need statements, background details, definitions, etc.) but formal grant applications will not be completed as those need to be submitted by the ultimate sponsor of IntelliPORT.

Task 5. Build Partnerships

501. KWTC will develop an "Introduction to IntelliPORT" PowerPoint presentation with leave behind materials to be used when presenting to other organizations, institutions and the business community. Training/Instructions on presenting will be provided to the Business Leader's Working Group so that a consistent message is delivered to potential partners.

502. TranSystems and B&B will provide up to ten (10) PowerPoint slides each to include in the "Introduction to IntelliPORT" presentation that incorporates the IntelliPORT identity and Pilot Elements.

503. KWTC will make up to six (6) partnership building presentations during Phase 2. More presentations are anticipated to be made by trained members of the Working Group. The target groups for each of the presentations focus on users, sponsors and potential measurement organizations. These presentations are anticipated to be made at meetings schedule and organized by independent groups not requiring meeting planning, scheduling or other organizational responsibilities of KWTC or the Consultant Team.

504. TranSystems will host one (1) seminar on a topic related to IntelliPORT by a regional organization or institution to understand how services or facilities they provide may benefit IntelliPORT. These seminars will be designed to follow the marketing plan developed in Task 2 so that they do not interfere with the appropriate promotion of IntelliPORT. These seminars will be scheduled in concert with a Business Leader's Working Group meeting and include up to twenty (20) additional guests. It is assumed that minimal speaker fees will be associated with the seminars and room, food and equipment costs will be the responsibility of TranSystems. TranSystems has assumed a maximum of \$1,000.00 for the costs of the speaker, room, food and equipment per seminar.

505. B&B will provide material and agenda review to ensure that the partnership presentations and seminars incorporate the IntelliPORT identity and clear messages.

Task 6. Continuously Reinvent IntelliPORT

601. TranSystems, B&B, and KWTC will work jointly to identify evaluation criteria or measurements to gauge the success of IntelliPORT elements and services. Potential ways to measure success are through quantifying the growth in international trade, costumer/user counts, customer/user satisfaction survey results, or volume of services provided. The measurements will be used to provide feedback into the services and activities IntelliPORT is providing so that appropriate services are being provided to the user and that investors or granting bodies can be assured that their funds are being utilized in a fiscally successful manner.

Deliverables

Task 1.0 Deliverables:

- Meeting Summaries for each Business Leaders Working Group Meeting prepared by KWTC.
- A Year-end Summary of all Business Leaders Working Group activities prepared by KWTC.

TASK 2.0 Deliverables:

- A Marketing Plan summary document prepared by B&B.
- A Website Architecture document prepared by B&B.

TASK 3.0 Deliverables:

- A Transportation Technology training manual prepared by SAIC.
- An International Trade training manual prepared by KWTC.
- Logistics Strategy Report prepared by TranSystems.
- Peer-to-Peer Elements to include in the Website Architecture document prepared by KWTC.

TASK 4.0 Deliverables:

- A Grant Development Summary document prepared jointly by TranSystems and KWTC.

TASK 5.0 Deliverables:

- An IntelliPORT PowerPoint presentation with associated training material prepared by KWTC.
- A Year-End Summary of all presentations and seminars prepared jointly by TranSystems and KWTC.

TASK 6.0 Deliverables:

- A Measurement Summary document prepared by TranSystems.

Proposed Schedule and Fee

The Consultant Team proposes to complete the amended scope of services by October 30, 2009 with no increase to the existing contract not to exceed payment of \$908,325.00.

The original scope and fee for Phase 1 work included task items associated with facility site selection, schematic designs and engineer's estimates of cost. Since the initial phase of this study did not indicate that a facility was feasible during initial development those tasks were not completed and therefore the fee was not expended.

As of May 9, 2008, there is \$397,823.14 remaining in the not to exceed contract total of \$908,325. We propose to complete the above listed Phase 2 work for the remaining \$397,823.14. The breakdown in fees for the Study Team is included below.

Fee Proposal by Consultant		
Study Team		Fee
<i>Prime</i>	TranSystems	\$137,900.00
	Bothner & Bradley	\$112,600.00
	SAIC	\$41,423.14
	Kansas World Trade Center	\$105,900.00
Total		\$397,823.14
	Approximate Total Remaining in Contract	\$397,823.14
	Approximate Contract Amount Spent As of July 31, 2007	\$510,501.86
Contract Not to Exceed Maximum (will remain constant)		\$908,325

Fee Proposal by Task					
Project Task	TranSystems	Bothner & Bradley	SAIC	Kansas World Trade Center	Total
Task 1	\$19,900.00	\$5,100.00		\$22,400.00	\$47,400.00
Task 2	\$12,500.00	\$100,000.00		\$5,000.00	\$117,500.00
Task 3	\$90,000.00		\$41,423.14	\$57,000.00	\$188,423.14
Task 4	\$4,000.00			\$4,000.00	\$8,000.00
Task 5	\$9,000.00	\$5,000.00		\$15,000.00	\$29,000.00
Task 6	\$2,500.00	\$2,500.00		\$2,500.00	\$7,500.00
	\$137,900.00	\$112,600.00	\$41,423.14	\$105,900.00	\$397,823.14

City of Wichita
City Council Meeting
June 24, 2008

TO: Mayor and Members of the City Council

SUBJECT: Wichita International Trade Processing Center Phase 2 Work Plan

INITIATED BY: Finance Department

AGENDA: Consent

Recommendation: Approve the amendment.

Background: Under the federal 2004 Consolidated Appropriations Act, the City of Wichita received funds to conduct “A Feasibility Study and Work Plan for the International Trade Processing Center, Wichita, Kansas.” The initial work completed for the Wichita International Trade Processing Center Feasibility Study using these funds, resulted in the delivery of the “Wichita International Trade Study” (WITS) (Phase 1 Study) and the development of the IntelliPORT concept (Phase 2 Work Plan) as a mechanism to leverage investment in infrastructure and look for opportunities to use technology to make international trade easier and more affordable. To take the concept and convert it into a working model or product to be used by local businesses involved in international trade, six implementation strategies were included in the Study. The City Council reviewed the Phase 2 Work Plan in a City Council Workshop on March 25, 2008.

Analysis: The consultant team proposes to complete the amended scope of services to the Agreement dated January 24, 2006 for an International Trade Processing Center Feasibility Study as Phase 2: International Trade Study Work Plan. Phase 2 will be completed by October 30, 2009 with no increase to the existing contract budget of \$908,325.00. TranSystems will continue as the lead consultant with SAIC and Bother & Bradley for subconsultant services. TranSystems seeks approval to add the Kansas World Trade Center to the team for subconsultant services. The Second contract amendment includes the amended scope of services, a contract extension and subconsultant addition of the Kansas World Trade Center.

Financial Considerations: No financial costs will be incurred by the City to continue this work. The project is funded by a Federal Highway Administration grant and the funds are provided through the Kansas Department of Transportation (KDOT). A total of 510,501.86 have been expended from the total contract amount of \$908,325, leaving a balance of \$397,823.14 in the existing contract budget with TranSystems. The total cost of the Phase 2: International Trade Study Work Plan is \$397,823.14.

Goal Impact: This project addresses the goal of Economic Vitality by increasing the potential for international trade.

Legal Considerations: The contract amendment has been reviewed and approved as to form by the Department of Law.

Recommendation/Actions: It is recommended the City Council approve the contract amendment and authorize the Mayor to sign.

Attachments:
Contract Amendment